

investigating³terror.com

the philosophy and politics of fear



**e-book collection of documents
on the bombing of the
World Trade Center in 1993**

edited by Tom Secker



Contents

Introduction by Tom Secker	4
Part One: The Blind Sheikh	
State Department Cables on meetings with followers of the Blind Sheikh, April-May 1989	13
State Department Cable revoking the Blind Sheikh's visas, December 1990	31
State Department memos on appropriateness of visas issued to the Blind Sheikh, July 1993	34
9/11 Commission withdrawal notices for CIA files on the Blind Sheikh	43
Part Two: The Bomb	
Hakim Murad PNP interrogation report, January 17 th 1995	49
FBI FD-302 detailing Ramzi Yousef proffer session, February 13 th 1995	50
Extract from US Fire Administration report on WTC bombing, 1993	56
Testimony of Frederic Whitehurst, <i>US vs Rahman et al</i> , August 14 th 1995	59
Department of Justice Office of the Inspector General Report on the World Trade Center bombing investigation and the FBI crime lab, April 1997	99

Part Three: Ramzi Yousef

FBI FD-302 detailing Ramzi Yousef interrogation, February 7 th -8 th 1995	159
List of unindicted co-conspirators, <i>US vs Rahman et al</i>	180
Excerpts from <i>US vs Ali Mohamed</i> complaint and guilty plea	185
Laurie Mylroie, Who is Ramzi Yousef? And Why It Matters, The National Interest, Winter 1995/96	187
Ramzi Yousef's Iraqi passport, issued September 1991	204
Transcript of meeting between Saddam Hussein and advisers on the World Trade Center bombing, undated but probably from 1994	212
JFT-GITMO Matrix of Threat Indicators for Enemy Combatants, undated but probably from 2007	233

Introduction

The bombing of the World Trade Center (WTC) in February 1993 was a landmark act of terrorism. At least officially, it was the first major strike in the US by radical Islamic militants and as such pre-empted the attacks of 9/11. The perpetrators were a group of men based out of the Al-Kifah refugee center in the Al Farooq mosque in Brooklyn, New York. This was the local branch of the Maktab al-Khidamat or Mujahideen Services Office that funnelled money and people to Afghanistan during the war with the Soviets.

The bombing resulted in several trials – *US vs Salameh et al* in 1994, *US vs Rahman et al* in 1995, and *US vs Yousef et al* in 1997. The first trial prosecuted several of those in New York who had assisted in building and delivering the bomb. The second trial prosecuted the Blind Sheikh Omar Abdel Rahman and some of his followers for a 'seditious conspiracy' that included the WTC bombing, the 'Day of Terror' plot and several solicitations to murder Hosni Mubarek. The third trial prosecuted Ramzi Yousef, the man primarily responsible for choosing the target and building the bomb.

Nonetheless, the case is still subject to a swirl of conspiracy theories, mostly revolving around the FBI informant Emad Salem, who infiltrated the group at the Al-Kifah both before and after the bombing. The idea that Salem built the bomb is misleading, as he was actually sacked by the FBI in the summer of 1992 and wasn't involved with the Al-Kifah group from then until after the bombing.

The more substantive theories are based on the issue of the Blind Sheikh being some kind of CIA asset, the legends created around Ramzi Yousef and also the possible involvement of triple agent Ali Mohamed. The forensic science investigation of the bombing was also particularly bad. This document collection includes files that shed light on these questions and provide a basis for establishing a more subtle view of exactly who was responsible for the bombing and why they did what they did.

Part One: The Blind Sheikh

State Department Cables on meetings with followers of the Blind Sheikh, April-May 1989

These cables were made available in 2007 via JM Berger's Intelwire website and detail secret meetings between US officials and followers of the Blind Sheikh in mid-1989. Both of the cables are signed by Frank Wisner, the son of the former CIA black ops veteran of the same name, who was the US ambassador to Egypt at the time.

In the first meeting the member of the Blind Sheikh's Islamic Group (IG or al-Gama'a al-Islamiyya) offered abundant information on the group's membership, its agenda and aims. Despite scepticism in the US embassy of

the sincerity of the approach by the IG member they maintained contact with the group and had a second meeting with a young lawyer from the IG. Much of the same information was offered again, with an admission from the lawyer that their approach to the US was due to a change in thinking within the group. Keen not to let the Mubarek government image of the IG as a wild terrorist group be taken as gospel, they had volunteered this information to US official as a sort of overture.

What this suggests is that even with the Afghan war winding down, some within the US establishment saw the mujahideen as having a purpose beyond the localised harassment of the Soviets. The fact that during this period the Blind Sheikh, the ideological leader of the IG, travelled to the US on multiple occasions and a year after these meetings moved their permanently suggests he was considered to still be useful. The fact that his visas for these trips were arranged by the CIA all but confirms that.

State Department Cable revoking the Blind Sheikh's visas, December 1990

Several months after the Blind Sheikh arrived in New York to take up permanent residence his right of residence was rescinded by the State Department. This cable from December 1990 shows that in late November of that year all his visas were summarily revoked, though no explanation is given as to why. It may or may not have had something to do with the assassination of rabbi Meir Kahane (himself a former FBI informant) in early November, by El Sayyid Nosair, one of Rahman's followers.

This had almost no effect on the Blind Sheikh whatsoever, who continued to live in New York, preaching his radical sermons and inspiring people to acts of violence, for over two years. He was arrested in June 1993, having faced no deportation proceedings of any kind in the intervening period. Given that his presence in the US was assisted by the CIA, one has to wonder at whether the State Department were simply covering their backs with the gesture of revoking his visas, as they clearly had no real intention to remove him from the country.

State Department memos on appropriateness of visas issued to the Blind Sheikh, July 1993

After the Blind Sheikh's arrest the State Department's Office of the Inspector General conducted a brief inquiry into whether the decision to grant him the visas in the first place was correct. In particular the 1990 visa that granted him a right of residency in the US was a matter of some concern.

Despite a lengthy investigation State Dept official Mary Ryan wrote that, 'It is not possible to answer definitively whether or not visas, (particularly the one issued in 1990) should have been issued or denied based on the evidence and

information available at the time of application.’ Key sections of the explanatory report, particularly those discussing the file on the Blind Sheikh in Cairo (presumably a CIA file) are redacted. There is no mention of the meetings with the Blind Sheikh’s followers in 1989, or of why he was granted the visas.

9/11 Commission withdrawal notices for CIA files on the Blind Sheikh

Despite a pledge to make all their sources of information public in aftermath of their investigation, the 9/11 Commission allowed various agencies to withdraw material they’d supplied to the Commission from the National Archives. In particular these three notices refer to over 200 pages of CIA and State Department files on the Blind Sheikh.

In particular this includes a memo from the Director of Central Intelligence to the Inspector General regarding a report on the Blind Sheikh, quite possibly the same report quoted by the Boston Herald as saying the CIA had some culpability for the WTC bombing. What this points to is that the 9/11 Commission happily engaged in a cover-up of exactly what the relationship was between the CIA and Blind Sheikh, despite its ramifications not just for the WTC bombing but for the whole picture of Al Qaeda presented in the Commission’s report.

Part Two: The Bomb

Hakim Murad PNP interrogation report, January 17th 1995

Hakim Murad was a lifelong friend of Ramzi Yousef, and even scouted out the WTC in mid-1992 on Yousef’s behalf (before Yousef himself had ever set foot in the US). Following the WTC bombing, Yousef went on a two-year bombing and mischief rampage in Asia, often hooking up with his old friend Murad along the way.

In 1995, while preparing the Bojinka plot to bomb up to a dozen commercial airliners, Murad and Yousef managed to set fire to their apartment in Manila. Murad was arrested and interrogated by the Philippines National Police (PNP). Murad co-operated almost immediately, explaining that Yousef had admitted that he was responsible for the WTC bombing.

Murad explained that Yousef used a complex mixture to make up the bomb used on the WTC. A ‘small quantity of astrolite bomb; made of Ammonium Nitrate and Hydrazine liquid and a ‘small quantity of Lead Azide’ and a ‘large volume of chemical bomb made out of Nitric Acid in a drum’ was the combination as reported by Murad.

FBI FD-302 detailing Ramzi Yousef proffer session, February 13th 1995

After Yousef was captured in Pakistan he made an extended confession to the FBI and even had a proffer session with the FBI and States Attorney's office after being flown back to New York. In this proffer session he outlined the bomb plot, in particular the make-up of the bomb.

The description offered by Yousef contradicts what Murad said Yousef told him in various ways. Yousef told the FBI that the main charge was urea nitrate in a wooden box, not nitric acid in a drum. He said there were three explosive 'boosters', not just two as described by Murad. The first was 30kg of dynamite, the second 20kg of ammonium nitrate, nitromethane and aniline and the third was 50kg of thermite. There was no mention of astrolite, and the lead azide, as Yousef told it, was part of a detonation mechanism and not part of the main charge.

The two descriptions do not match up at all, and while Murad might have been confused or mistaken, this does open up the question of what was used to bomb the WTC.

Extract from US Fire Administration report on WTC bombing, 1993

The damage from the World Trade Center was considerable, killing six people and injuring over 1000. These extracts from a US Fire Administration report on the lessons learned from the WTC blast detail the impact of the explosion. The truck bomb apparently blasted holes through several floors of the underground parking garage, including a 5000 square foot hole in the floor above the explosion.

Could a urea nitrate bomb of that size do such damage? Similar questions have been asked of the ANFO (similar to UNFO) bomb apparently used in the Oklahoma City bombing of April 1995, though there is far more video and photographic footage available from that bomb site. Tests carried out by the US Air Force following the Oklahoma City bombing suggest that bombs of that type and size cannot do what was seen in both the Alfred P Murrah building and the WTC, particular the brisance damage that is a tell tale sign of high explosives.

Testimony of Frederic Whitehurst, US vs Rahman et al, August 14th 1995

The dispute over what was used to bomb the WTC came to a head in the *US vs Rahman et al* trial when the defence called FBI explosives lab expert Fred Whitehurst to the stand. Whitehurst had begun blowing the whistle on the shoddy investigations carried out by the FBI explosives lab before the trial, in particular the testimony of the FBI expert called in the *Salameh et al* trial the previous year.

The prosecution claimed that urea nitrate traces were found at the bomb site, conveniently fitting in with the chemicals they found at addresses linked to the accused. Whitehurst knew that they could not detect urea nitrate, only urea and nitrate separately. To demonstrate the laxity in their testing and conclusions he even sent samples, one including his own urine, to the lab for examination. He found that the answer came back: urea nitrate. Unless urine is an explosive capable of creating a 5000 square foot hole in a steel-reinforced concrete parking lot then there are serious problems with the way the FBI formed their case in the WTC bombing trials.

Department of Justice Office of the Inspector General Report on the World Trade Center bombing investigation and the FBI crime lab, April 1997

In large part due to Whitehurst's efforts to raise the issue of poor standards and corruption in the FBI crime lab the Department of Justice Office of the Inspector General carried out an extensive investigation. Though they accused Whitehurst of exaggerating some of his claims, they did vindicate him on multiple cases including the WTC bombing and OKC bombing.

This extract from the full report outlines what went wrong in the WTC bombing investigation. In particular the actions of SSA David Williams, an explosives examiner, were heavily criticized. Williams testified at the US vs Salameh et al trial and the DOJ OIG concluded that, 'Williams gave inaccurate and incomplete testimony and testified to invalid opinions that appear tailored to the most incriminating result.'

There are so many problems with Williams' testimony that it is difficult to summarise them better than the 60-page excerpt presented in this document collection but, for example: Williams lied about producing urea nitrate according to recipes found in manuals linked to the suspects; He made a wild guesstimation of the size and type of bomb used in the WTC based entirely on his own physical inspection of the scene; He made estimations of the size of the bomb that conveniently fitted the amounts of chemicals known to have been bought by some of the accused, less the amounts found at addresses after the bombing.

Part Three: Ramzi Yousef

FBI FD-302 detailing Ramzi Yousef interrogation, February 7th-8th 1995

While Ramzi was being flown back to the US after being arrested in Pakistan he was interrogated at length by the FBI. This 302 has formed the basis for almost every biography, profile and telling of the Yousef story since, and is therefore essential reading for all those interested in the case.

Yousef outlines most of his life, in particular from 1990 onwards, including the bombing of the WTC, the Manila airline bomb plot (Bojinka) and his other activities in the first half of the 1990s. It also details how for much of 1992, before coming to New York in September of that year, he was undergoing explosives training in camps in Afghanistan.

He also mentioned, tantalisingly, that there was another co-conspirator in the WTC bombing plot who the FBI did not know about. This additional person has never been identified, let alone charged, at least officially. They may not even exist – Yousef was in the habit of investing entire terrorist groups and claiming responsibility for things in their name.

One man who is relevant to this story but almost certainly isn't the extra man Ramzi told the FBI about is Ali Mohamed. Ali was involved at the Al-Kifah for years, knew the Blind Sheikh and trained almost everyone involved in the WTC bombing, the Kahane assassination, the 'Day of Terror' plot and others besides. He ran classes at the Al-Kifah where he used training manuals stolen from Fort Bragg, where he had served in the US Special Forces from 1986-89.

List of unindicted co-conspirators, US vs Rahman et al

Ali Mohamed's name is one of many on this DOJ list of unindicted co-conspirators drawn up around the time of the *US vs Rahman et al* trial in 1995. Though he was subpoenaed as a witness for the defence and was discussed at some length during the trial (including allegation that he was working for the CIA), Ali never appeared at any of the WTC bombing trials. He was not arrested until September 1998, following the African embassy bombings, which he also helped orchestrate.

Excerpts from US vs Ali Mohamed complaint and guilty plea

These excerpts from the legal case against Ali Mohamed show that for much of 1992 Ali was in the same area of Afghanistan as Ramzi Yousef, where Ali was providing training including explosives training. As pointed out by JM Berger on [Intelwire](#), it appears that when Yousef arrived in New York accompanied by fellow trainee Ahmed Ajaj, Ajaj was carrying explosives manuals that had been translated into Arabic by Ali Mohamed.

While not conclusive evidence, this does suggest that Ramzi, like the rest of the WTC bombing gang, was trained directly by triple agent Ali Mohamed. This opens the door to the possibility that Ali was the mastermind behind the bombing – at a time when he still enjoyed the protection of the CIA and was in the US Army reserve. Given that everyone from his wife to his commanders at Fort Bragg to other members of Al Qaeda thought that Ali was a deep cover agent, this raises the possibility that the WTC bombing was

a deliberately provoked act of terrorism, if not a fully and actively state sponsored act of terrorism.

As such, we are left to wonder the extent to which the Ramzi Yousef story has been exaggerated, mythologised, or in some cases simply fabricated to help create the backstory of violent, radical Muslims attacking America, that became so important in September 2001. Some researchers, including Peter Lance (a fine investigative journalist but a terrible intelligence analyst), even attribute the idea for the 9/11 plot to Yousef, though as I demonstrated in the [Operation Bojinka dossier](#), the papertrail contradicts Lance's version.

Laurie Mylroie, Who is Ramzi Yousef? And Why It Matters, The National Interest, Winter 1995/96

One concrete example of the legend of Ramzi Yousef being used and abused for political is in the work of Laurie Mylroie. She is a neoconservative academic and writer who has carved out a niche for herself trying to argue that Saddam Hussein was directly involved with Al Qaeda. Her connections to figures like Richard Perle and Daniel Pipes, and the various institutes she's been employed by, should come as no surprise.

However, it is in her work on Ramzi Yousef that she has caused the most controversy, and has suffered the brunt of unanimous criticism. Mylroie found that the records from when Yousef lived with his family in Kuwait in the period before the Iraq invasion were incomplete and to some extent inaccurate (she makes a lot of the issue of Ramzi's height, on which the records are contradictory). She maintains that when the Iraqis invaded they probably killed Yousef, then known by his birthname of Abdul Basit, and tampered with the files to create a legend for 'Ramzi Yousef', who was in reality an Iraqi secret agent.

It is an absurd theory, based on discrepancies between government records in countries that are known for having terrible bureaucracy. It would also entail the Iraqis being stupid enough to replace Abdul Basit with a fake Abdul Basit calling himself Ramzi Yousef - among many other pseudonyms - who looked different to Basit and was between 4 and 6 inches taller. Given that Yousef collaborated at times with people who had known him for years (crucially, they knew him as Basit from before the first Gulf war) Mylroie's theory is profoundly unlikely, to the point of being ridiculous.

Ramzi Yousef's Iraqi passport, issued September 1991

Mylroie has been subject to widespread criticism from a great many commentators, even being labelled 'the NeoCons favourite conspiracy theorist'. In 2005 she was paid around \$75,000 to produce a 'History of Al Qaeda' for the Pentagon's Office of Net Assessment. Nice work if you can get

it. In the 'History' she propounded once again the theory that Saddam was bosom buddies with Al Qaeda. She even included a copy of Ramzi Yousef's Iraqi passport, which is included here for reference.

Transcript of meeting between Saddam Hussein and advisers on the World Trade Center bombing, undated but probably from 1994

Following the second Iraq war the Pentagon found, analysed and released hundreds of documents from Saddam's government. Included among them is a transcript from an original audio recording of a meeting between Saddam and several advisers, talking about the WTC bombing. It is not clear when this meeting took place, but it is important for a few different reasons.

First, it dispels Mylroie's theories entirely. There is no hint of the Iraqis secretly running Basit/Yousef, or of collaborating with Abdul Yasin, one of the conspirators who fled back to his homeland of Iraq after the bombing. Mylroie maintains that he 'escaped' back to Iraq, but in reality he was arrested and held in prison in Iraq rather than given a hero's welcome. In particular, Saddam makes it clear in the meeting that it is important that Yasin remain alive to face prosecution. They offered several times to hand him over to the Americans in exchange for a lifting of sanctions and a public acceptance that Iraq had nothing to do with the bombing, but the offers were refused. Yasin has not been seen or heard since 2002.

The transcript also shows that Saddam, knowing his government was not to blame, speculated that the American, Israeli or Saudi governments were behind the attack. Bizarrely, the record from the US database seems to think the meeting was a discussion about the 9/11 attacks, though one can easily imagine Saddam saying similar things after those events too. The meeting also included discussion of the relevance of the US relationship with Egypt.

JFT-GITMO Matrix of Threat Indicators for Enemy Combatants, undated but probably from 2007

Further illustrating how the Ramzi Yousef story continues to feed into the modern day War on Terror narrative, this *Matrix of Threat Indicators* includes mention of the Casio F-91W, a popular digital watch. It was these same watches that Ramzi used in his design for a small bomb built to be fully assembled on board a plane, then set on a timer using the watch's alarm. The *Matrix* claims that, 'The possession of a Casio F-91W model watch and the silver-color version of this model, the A159W, is an indicator of al-Qaida training in the manufacture of improvised explosive devices'.

To be sure, Osama Bin Laden has also been pictured wearing one of these watches, but then so has Max Keiser (in response to the soft headed analysis in this document). There is no evidence suggesting that Max Keiser is a member of Al Qaeda, except for his own comical ranting to that effect.

Ironically, this Matrix also lists having involvement with the Maktab al-Khidamat and the Pakistani Inter-Services Intelligence or ISI as indicators of involvement in terrorism.

PAGE 01 CAIRO 09476 01 OF 03 251131Z
ACTION NEA-11

INFO LOG-00 ADS-00 INR-07 EUR-00 SS-00 AF-00 CIAE-00
NSCE-00 NSAE-00 PM-10 INRE-00 SP-02 C-01 DS-01
P-02 /034 W

-----126336 260644Z /21

R 251120Z APR 89
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 9175
INFO AMCONSUL ALEXANDRIA
AMEMBASSY ALGIERS
AMEMBASSY AMMAN
AMEMBASSY BAGHDAD
AMEMBASSY ISLAMABAD
AMEMBASSY RIYADH
AMEMBASSY SANAA
AMEMBASSY TEL AVIV
AMEMBASSY TUNIS
AMEMBASSY KHARTOUM
AMEMBASSY LONDON
AMEMBASSY PARIS
DIA WASHDC
USCINCENT MACDILL AFB FL

RELEASED IN PART
B1, 1.4(D), B6

S E C R E T SECTION 01 OF 03 CAIRO 09476

LONDON FOR MILLIKEN, PARIS FOR WINN, CENTCOM FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PGOV, PINS, ASEC, EG, SA, IR, PK, AF, AG, UR
SUBJECT: SUMMARY OF CONVERSATIONS WITH A MEMBER OF
"THE ISLAMIC GROUP", AKA "AL-JIHAD"

REF: A. CAIRO 5506 (AND PREVIOUS) B. CAIRO 8608
C. CAIRO 0152 D. CAIRO 8928

1. SECRET - ENTIRE TEXT.
SECRET

SECRET

PAGE 02 CAIRO 09476 01 OF 03 251131Z

2. INTRODUCTION ON SOURCING: IN SEVERAL INITIAL
CONTACTS WITH EMBASSY OFFICERS,

B1, B6

UNCLASSIFIED

INTELWIRE.com [REDACTED] WHO CLAIMS HE IS A FOLLOWER OF
RADICAL SHEIKH 'OMAR 'ABDURRAHMAN, COMMENTED
EXTENSIVELY ON VARIOUS ISSUES CONCERNING HIS GROUP.
[REDACTED] SAID HIS GROUP IS PROPERLY CALLED
"AL-GAMA'A AL-ISLAMIYA" (THE ISLAMIC GROUP). HOWEVER,
HE ASSERTED THIS GROUP IS IDENTICAL TO THAT KNOWN AS
"AL-JIHAD," A NAME [REDACTED] DISAVOWS AS APPENDED TO THE
GROUP BY THE GOVERNMENT. THIS MESSAGE SUMMARIZES
[REDACTED] COMMENTS.

END INTRODUCTION.

-
3. LEADERSHIP AND IDENTITY: [REDACTED] ASSERTED THAT THE
ISLAMIC GROUP NUMBERS SOME 150,000 -- 200,000, IN
ADDITION TO THE "SMALL NUMBER -- INCLUDING 1500
ARRESTED SINCE APRIL 1 -- IN PRISON." (COMMENT: [REDACTED]
DISMISSED ANY DISTINCTION BETWEEN "SYMPATHIZERS" AND
MORE DEEPLY COMMITTED ACTIVISTS AMONG THE CLAIMED
MEMBERSHIP, WHICH WE SUSPECT IN ANY CASE HE
EXAGGERATED. HOWEVER, THE INTERIOR MINISTER HAS
PUBLICLY CONFIRMED [REDACTED] CLAIM OF 1500 ARRESTEES
SINCE APRIL 7 -- SEE REF D ON THIS QUESTION -- [REDACTED]

END

COMMENT.) THE GROUP IS WELL ORGANIZED, AND ITS MEMBERS
COMMUNICATE DIRECTLY THROUGH THE ORGANIZATION FROM ONE
SECRET

SECRET

PAGE 03 CAIRO 09476 01 OF 03 251131Z

END OF EGYPT TO THE OTHER. GROUPS SUCH AS JIHAD,
AL-NAGUN MIN AL-NAR, TAKFIR WAL HIJRA, ETC., EITHER NO
LONGER EXIST OUTSIDE PRISON WALLS OR HAVE FEW FOLLOWERS
(REF A). THE ISLAMIC GROUP AND THE MUSLIM BROTHERHOOD
ARE THE ONLY SUCH ISLAMIC GROUPS ACTIVE THROUGHOUT
EGYPT TODAY. THE GROUP DIFFERS WITH THE MB BOTH IN
MEANS AND "SOME OBJECTIVES." SMALLER GROUPS EXIST ON
THE LOCAL LEVEL, BUT LACK THE KIND OF CORRECT RELIGIOUS
GUIDANCE PROVIDED BY THE ISLAMIC GROUP'S "MUFTI"
(ISLAMIC LEGAL INTERPRETER) OR "AMIR 'AAM" (GENERAL
COMMANDER OR PRINCE), DR. 'OMAR 'ABDURRAHMAN.

-
4. ABDURRAHMAN WAS JAILED IN FAYOUM ON APRIL 7.
"OPERATIONAL LEADER" IS [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

WHO HAS BEEN DETAINED WITHOUT CHARGES SINCE LAST
DECEMBER, BUT IS EXPECTED TO BE RELEASED FROM PRISON
SHORTLY. [] HAD BEEN A MEMBER OF THE GROUP'S 11-MAN
"CONSULTATIVE ASSEMBLY" WHEN HE WAS IMPRISONED IN
SEPTEMBER, 1981, UNTIL OCTOBER, 1988. [] RELATED
HIS TACTICS IN LEADING STREET PROTEST DEMONSTRATIONS.
HOWEVER, THE GROUP IS NEITHER "SECRET" NOR "VIOLENT",
HE CLAIMED. CONTRARY TO GOVERNMENT PORTRAYALS OF THE
GROUP, THEY HAVE NO OBJECTION TO FOREIGN TOURISM TO
EGYPT; TO THE SERVING OF ALCOHOL IN DESIGNATED PLACES
TO NON-MUSLIMS; OR TO THE FULL FREEDOM OF RELIGION FOR
CHRISTIANS AND JEWS, UNDER ISLAMIC LAW. THE GROUP HAS
NOT BEEN INVOLVED IN ANY OF THE REPORTED ATTACKS ON
CHRISTIANS OVER THE PAST SEVERAL YEARS.

-
5. RELATIONS WITH THE GOVERNMENT: THE GROUP DOES NOT

SECRET

NNNN

SECRET

PAGE 01 CAIRO 09476 02 OF 03 251133Z
ACTION NEA-11

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	AF-00	CIAE-00
	NSCE-00	NSAE-00	PM-10	INRE-00	SP-02	C-01	DS-01
	P-02	/034 W					

-----126344 260644Z /21

R 251120Z APR 89
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 9176
INFO AMCONSUL ALEXANDRIA
AMEMBASSY ALGIERS
AMEMBASSY AMMAN

UNCLASSIFIED

UNCLASSIFIED

INTELWIRE.com

AMEMBASSY BASHKAD
AMEMBASSY ISLAMABAD
AMEMBASSY RIYADH
AMEMBASSY SANAA
AMEMBASSY TEL AVIV
AMEMBASSY TUNIS
AMEMBASSY KHARTOUM
AMEMBASSY LONDON
AMEMBASSY PARIS
DIA WASHDC
USCINCENT MACDILL AFB FL

S E C R E T SECTION 02 OF 03 CAIRO 09476

LONDON FOR MILLIKEN, PARIS FOR WINN, CENTCOM FOR POLAD

E.O. 12356: DECL: OADR

TAGS: PGOV, PINS, ASEC, EG, SA, IR, PK, AF, AG, UR

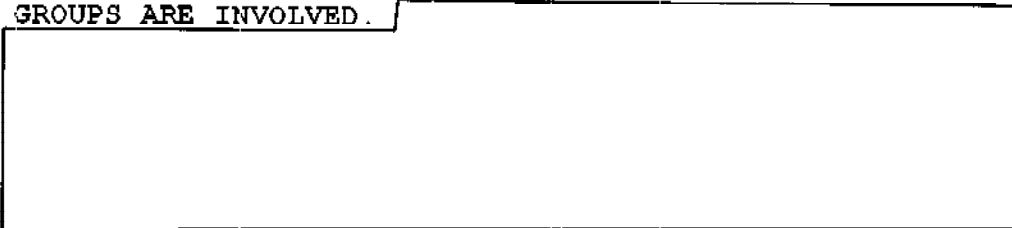
SUBJECT: SUMMARY OF CONVERSATIONS WITH A MEMBER OF

RECOGNIZE THE GOVERNMENT OF EGYPT, BUT SOMETIMES
COOPERATES WITH IT, FOLLOWING THE EXAMPLE OF
'ABDURRAHMAN, WHO MET WITH THE INTERIOR MINISTER BEFORE
THE APRIL 1987 PARLIAMENTARY ELECTIONS AND AGREED NOT
TO DISTURB THE PEACE. HOWEVER, THE GROUP DOES NOT/NOT
SECRET

SECRET

PAGE 02 CAIRO 09476 02 OF 03 251133Z

COOPERATE WITH THE GOVERNMENT IN STAGING THE MASS
PRAYER RALLIES ON THE HOLIDAYS; OTHER, LOCAL ISLAMIC
GROUPS ARE INVOLVED.



THE GOVERNMENT, NOT 'ABDURRAHMAN, PROVOKED
THE RIOT IN FAYOUM APRIL 7 (REF B), AND THE GROUP WILL
MOUNT DEMONSTRATIONS TO PROTEST 'ABDURRAHMAN'S
IMPRISONMENT.

6. THE GROUP "RESPECTS" ALL THE 'ULEMA, WHETHER THOSE
OF THE GOVERNMENT OR THE INDEPENDENTS; HOWEVER, IT DOES
NOT FEAR TO TELL THEM WHEN IT BELIEVES THEY ARE
ERRING. THE "DIALOGUE" WITH THE MUFTI OF THE REPUBLIC

UNCLASSIFIED

UNCLASSIFIED

INTELWIRE.com
AND OTHER OFFICIAL MEN OF RELIGION IS ONLY GAINING THE
GROUP MORE SUPPORTERS.

WE WILL

TRANSMIT SEPARATELY SEVERAL ITEMS PASSED US BY [REDACTED]
ONE IS A BOOKLET JUST DISTRIBUTED LAST MONTH BUT DATED
DECEMBER 1988-JANUARY 1989, ENTITLED: "GRAVE REPORTL
ABOUT THE CURRENT SITUATION BETWEEN THE ISLAMIC GROUP
AND THE EGYPTIAN REGIME;" ANOTHER IS A BOOK BY AND
ABOUT 'ABDURRAHMAN, "A WORD OF TRUTH: THE (1981-82
TRIAL) DEFENSE OF DR. 'OMAR 'ABDURRAHMAN," WHICH [REDACTED]
CLAIMED IS THE COMPLETE STORY OF 'ABDURRAHMAN'S LIFE
AND IDEAS; A THIRD ITEM IS A LOOSELY BOUND SHEAF OF
PHOTOCOPIED MANUSCRIPTS PURPORTEDLY EXPLAINING THE

SECRET

SECRET

PAGE 03 CAIRO 09476 02 OF 03 251133Z

GROUP'S OBJECTIVES AND THOUGHT.)

-
7. FOREIGN TIES: THE GROUP FINDS KING FAHD AND HIS
SYSTEM THE BEST ISLAMIC GOVERNMENT TODAY, FAULTING QIM
MAINLY BECAUSE OF HIS LACK OF FIRMNESS IN CONFRONTING
KHOMEINI AND THE SHI'ITES. THE GROUP REJECTS
KHOMEINISM CHIEFLY FOR ITS VIOLENCE, THOUGH IT SHARES
KHOMEINI'S BELIEF IN ISLAM AS THE BASIS OF GOVERNMENT.
HOWEVER, LEADER 'ABDURRAHMAN EVIDENTLY FAVORABLY
IMPRESSED AN IRANIAN DELEGATION HE MET AT AN ISLAMIC
CONFERENCE IN PAKISTAN LAST FALL. EGYPTIAN MEMBERS OF
THE ISLAMIC GROUP ARE FIGHTING WITH THE MUJAHIDEEN IN
AFGHANISTAN. THE GROUP ALSO HAS CLOSE TIES TO THE
ISLAMIC GROUP IN ALGERIA, WHO HAVE MORE FREEDOM THAN
THEY HAVE IN EGYPT. THE GROUP DOES NOT OBJECT TO
EGYPTIAN COOPERATION WITH THE U.S., BUT BELIEVES
EGYPTIANS ARE SOMEWHAT LAZY AND SHOULD DEPEND UPON
THEMSELVES, NOT OUTSIDERS. THE GROUP HAS NOT ATTACKED
AND WILL NOT ATTACK U.S. DIPLOMATS, ACCORDING TO
[REDACTED] 'ABDURRAHMAN TRAVELLED LAST YEAR TO THE U.S. TO
SPEAK AT A CONFERENCE, AND TRAVELS YEARLY TO THE UK AT
THE INVITATION OF AN ISLAMIC GROUP THERE. HE
UNDERTAKES HIS FOREIGN TRAVELS VIA SAUDI ARABIA.

-

ANALYSIS OF MOTIVES

UNCLASSIFIED

UNCLASSIFIED

8. D. INTELWIRE.com INSPIRE OUTREACH EFFORT THE QUESTION OF
[REDACTED] MOTIVES LEAPS INSTANTLY FROM THE FACT THAT HE
HAS REVEALED MUCH MORE THAN WE WOULD HAVE CONSIDERED

SECRET

NNNN

SECRET

PAGE 01 CAIRO 09476 03 OF 03 251133Z
ACTION NEA-11

INFO	LOG-00	ADS-00	INR-07	EUR-00	SS-00	AF-00	CIAE-00
	NSCE-00	NSAE-00	PM-10	INRE-00	SP-02	C-01	DS-01
	P-02	/034 W					

-----126350 260644Z /21

R 251120Z APR 89
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 9177
INFO AMCONSUL ALEXANDRIA
AMEMBASSY ALGIERS
AMEMBASSY AMMAN
AMEMBASSY BAGHDAD
AMEMBASSY ISLAMABAD
AMEMBASSY RIYADH
AMEMBASSY SANAA
AMEMBASSY TEL AVIV
AMEMBASSY TUNIS
AMEMBASSY KHARTOUM
AMEMBASSY LONDON
AMEMBASSY PARIS
DIA WASHDC
USCINCCENT MACDILL AFB FL

S E C R E T SECTION 03 OF 03 CAIRO 09476

LONDON FOR MILLIKEN, PARIS FOR WINN, CENTCOM FOR POLAD

UNCLASSIFIED

E.O. 12356: DECL: OADR

TAGS: PGOV, PINS, ASEC, EG, SA, IR, PK, AF, AG, UR
SUBJECT: SUMMARY OF CONVERSATIONS WITH A MEMBER OF

PRUDENT, FROM THIS UNDERGROUND GROUP'S PRESUMABLY
SUSPICIOUS PERSPECTIVE TOWARD THE U.S. [REDACTED]
[REDACTED] HAD STIMULATED [REDACTED] WILLINGNESS
TO MEET POLOFF BY REPORTING TO [REDACTED] OVER A PERIOD OF
MONTHS, THAT THE U.S. EMBASSY WAS PAYING ANALYTICAL
SECRET

SECRET

PAGE 02 CAIRO 09476 03 OF 03 251133Z

ATTENTION TO THE ISLAMIC MOVEMENT. WE DEDUCE THAT
[REDACTED] WILLINGNESS TO MEET WITH EMBASSY OFFICERS --
MOST RECENTLY AT THE EMBASSY ITSELF -- IS MOTIVATED IN
PART BY THE HARD-PRESSED GROUP'S DESIRE TO MAKE ITS
CASE TO THE U.S., AS [REDACTED] ALLEGES, PERHAPS IN A
DESPERATE HOPE OF SECURING U.S. "SUPPORT." [REDACTED] HAD
CONFIDED SEPARATELY TO [REDACTED] THAT THE GROUP
BELIEVES THE GOVERNMENT IS TOLERATING THE MB AS A
RESULT OF US "SUPPORT" FOR THE MB; SUCH LEBANESE-STYLE
THINKING IS NO LESS WIDELY ACCEPTED FOR BEING BIZARRE.
THE BOOKLET WHICH [REDACTED] PROVIDED CONVEYED MUCH OF THE
SAME INFORMATION HE REPORTED ORALLY. IT EXPLAINS THAT
THE GROUP IS PUBLISHING ITS "FULL STORY" THEREIN IN
ORDER TO "PRESENT ITS CASE TO PUBLIC OPINION," AS THE
GOVERNMENT HAS STEPPED UP ITS LEVEL OF "OPPRESSION."
WHATEVER [REDACTED] EXPECTATIONS MAY BE OF GAIN FOR HIS
GROUP FROM CONTACT WITH THE U.S., POLOFF WARNED THAT
THE U.S. HAS RELATIONS WITH AND SUPPORTS THE GOVERNMENT
OF EGYPT, AND THAT WE SUPPORT THE STRENGTH AND
STABILITY OF EGYPT, ITS GOVERNMENT, AND PRESIDENT
MUBARAK; WE DO NOT SUPPORT INTERNAL GROUPS OF ANY SORT
AGAINST THE GOVERNMENT.

9. ... VANITY, AND OTHER POSSIBILITIES: HOWEVER,
PERSONAL MOTIVES PROBABLY ARE ALSO IN PLAY: [REDACTED]

[REDACTED] SHOWED A CERTAIN MESSIANIC
EXCITEMENT IN ACTING AS A SPOKESMAN FOR HIS GROUP AND
ITS IMPRISONED LEADERSHIP, WHICH HE CLEARLY REVERES,
TOWARD A SUPERPOWER HE EVIDENTLY BELIEVES IS IN NEED OF
THE ENLIGHTENMENT HE HAS TO OFFER. [REDACTED] MAY BE A BIT
IN FRONT OF HIS LEADERSHIP: HE SAID HE HAD NOT

SECRET

SECRET

PAGE 03 CAIRO 09476 03 OF 03 251133Z

REQUESTED THE PERMISSION OF LEADER [] TO PASS THE
PRINTED MATERIALS TO US, BUT WAS CONFIDENT [] WOULD
APPROVE AND HE WOULD TELL [] HE HAD DONE SO.
DESPITE [] APPARENT SINCERITY, WE ARE ALSO ALERT
TO THE POSSIBILITY OF HOSTILE MOTIVES, ON THE PART OF
EITHER THE ISLAMIC GROUP OR THE GOVERNMENT SECURITY
SERVICES. OUR [] COLLEAGUES, WHO ALSO MET
[] LAST DECEMBER, SHARE THIS ASSESSMENT OF HIS
MOTIVES, ALTHOUGH THEY HAD NOT FOUND HIM, OR THEN
RELEASED LEADER [] SO FORTHCOMING AT
THAT TIME.
WISNER

SECRET

NNNN

SECRET

UNCLASSIFIED

E73

PAGE 01 CAIRO 09981 01 OF 03 031002Z
ACTION NEA-11

INFO LOG-00 ADS-00 INR-07 SSO-00 AMAD-01 INRE-00 ONY-00
/019 W

-----240307 031639Z /41 38

R 030957Z MAY 89
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 9421
INFO AMCONSUL ALEXANDRIA
DIA WASHDC

RELEASED IN PART
B1, 1.4(D), B6

S E C R E T SECTION 01 OF 03 CAIRO 09981

DEPARTMENT ONLY FOR NEA/EGY, INR/DB, INR/NESA

E.O. 12356: DECL: OADR
TAGS: PGOV, ASEC, PINS, EG, SA, IR, PK, AF, AG, UR
SUBJECT: CONVERSATIONS WITH A MEMBER OF "THE ISLAMIC
GROUP": (I) IDENTITY AND LEADERSHIP

REF: A. CAIRO 9476
B. CAIRO 5506 (AND PREVIOUS)
C. CAIRO 8608

1. SECRET - ENTIRE TEXT.

-
2. SUMMARY: A YOUNG LAWYER OF "THE ISLAMIC GROUP" (OR
"JIHAD", AS IT IS CALLED BY THE GOVERNMENT) ASSERTED
THAT HIS WELL-ORGANIZED GROUP NUMBERS SOME 150,000 -
200,000, IN ADDITION TO THE "SMALL NUMBER -- 1500 --
DETAINED SINCE APRIL 1." GROUPS SUCH AS JIHAD,
AL-NAGUN MIN AL-NAR, TAKFIR WAL HIJRA, ETC., EITHER NO
LONGER EXIST OUTSIDE PRISON WALLS OR HAVE FEW
FOLLOWERS. INSTEAD, AL-GAMA'A AL-ISLAMIYA, OR THE
ISLAMIC GROUP, AND THE MUSLIM BROTHERHOOD, ARE THE ONLY
SUCH ISLAMIC GROUPS ACTIVE ON THE NATIONAL LEVEL. THE

SECRET

SECRET

PAGE 02 CAIRO 09981 01 OF 03 031002Z

GROUP DIFFERS WITH THE MB BOTH IN MEANS AND "SOME
OBJECTIVES." SMALLER GROUPS EXIST ON THE LOCAL LEVEL,
BUT LACK THE KIND OF CORRECT RELIGIOUS GUIDANCE
PROVIDED BY "THE GROUP'S MUFTI OR PRINCE", DR. 'OMAR

INTELWIRE.com

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 09 MAY 2007 200605566

UNCLASSIFIED

UNCLASSIFIED

ABDURRAHMAN, WHO WAS JAILED IN FAYOUM ON APRIL 7.

OPERATIONAL LEADER, HOWEVER, IS [REDACTED]

B1, B6

[REDACTED] EXPECTED TO BE RELEASED FROM PRISON SHORTLY AFTER HIS DETENTION WITHOUT CHARGES SINCE LAST DECEMBER. [REDACTED] HAD BEEN A MEMBER OF THE GROUP'S 11-MAN "CONSULTATIVE ASSEMBLY" WHEN HE WAS IMPRISONED IN SEPTEMBER, 1981, FOR SEVERAL YEARS; THE OTHER TEN LEADERS REMAIN IN PRISON OR WERE EXECUTED. THE ISLAMIC GROUP IS NEITHER "SECRET" NOR "VIOLENT", HE CLAIMED; HIS MOTIVE IN INFORMING US ABOUT HIS GROUP WAS TO PRESENT A "TRUE" PICTURE IN THE FACE OF GOVERNMENT MISREPRESENTATION OF THEM. (REF A SUMMARIZES THIS AND ADDITIONAL MESSAGES REPORTING IN GREATER DETAIL THE ISLAMIC GROUP'S RELATIONS WITH THE GOVERNMENT AND WITH FOREIGN COUNTRIES.) END SUMMARY.

-

BACKGROUND

3. SETTING AND BIO: IN REPEATED RECENT CONTACTS, SEVERAL AT THE EMBASSY, [REDACTED] RELATED TO EMBOFFS HIS VIEWS AS A FOLLOWER OF 'OMAR 'ABDURRAHMAN, AND THUS A MEMBER OF "THE ISLAMIC GROUP" (REF B), WHICH THE GOVERNMENT CALLS "AL-JIHAD".

[REDACTED]

HE HAS BEEN IMPRISONED AND TORTURED SEVERAL TIMES.

4. MOTIVES: [REDACTED] CLAIMED THAT HE WAS INFORMING US ABOUT HIS GROUP AS A RESULT OF A "CHANGE IN THINKING" WITHIN THE GROUP. THEY WERE CONCERNED ABOUT THE "RADICAL AND VIOLENT IMAGE" OF THE GROUP PRESENTED BY THE GOVERNMENT. (A CA. JANUARY 1989 BOOKLET WHICH [REDACTED] GAVE US, TRANSMITTED SEPARATELY, SIMILARLY ASSERTED THAT ITS PURPOSE WAS TO PRESENT THE TRUE

INTELWIRE.com

UNCLASSIFIED

UNCLASSIFIED

PICTURE OF THE GROUP IN THE FACE OF STEPPED UP
GOVERNMENT OPPRESSION.) [] SAID [] HAD
PERSUADED THEM THAT U.S. DIPLOMATS WERE "SINCERE", SO
THEY DECIDED TO PRESENT THIS "TRUE PICTURE" DIRECTLY TO
US. [] HAD TOLD US SEPARATELY
THAT [] HAD OPINED THAT THE GOVERNMENT WAS NOT
PERSECUTING THE MB BECAUSE THE U.S. WAS "SUPPORTING"
THE MUSLIM BROTHERHOOD AGAINST THE MORE RADICAL ISLAMIC
TRENDS. ON THIS WIDELY-ACCEPTED CONSPIRATORIAL
PREMISE, THE "ISLAMIC GROUP" MAY BE MAKING ITS OWN BID
FOR OUTSIDE SUPPORT. POLOFF WARNED [] THAT THE U.S.
SUPPORTS EGYPT AND THE GOVERNMENT OF EGYPT, AND
SUPPORTS ITS STABILITY AND STRENGTH. THE U.S. DOES NOT
INTERVENE IN INTERNAL AFFAIRS NOR SUPPORT ANY GROUP OF
ANY SORT AGAINST THE GOVERNMENT OF EGYPT. STATEMENTS
BELOW ARE [] UNLESS OTHERWISE NOTED.

SECRET

NNNN

SECRET

PAGE 01 CAIRO 09981 02 OF 03 031005Z
ACTION NEA-11

INFO LOG-00 ADS-00 INR-07 SSO-00 AMAD-01 INRE-00 ONY-00
/019 W

-----240410 031639Z /41 38

R 030957Z MAY 89
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 9422
INFO AMCONSUL ALEXANDRIA
DIA WASHDC

S E C R E T SECTION 02 OF 03 CAIRO 09981

INTELWIRE.com

UNCLASSIFIED

UNCLASSIFIED

DEPARTMENT ONLY FOR NEA/EGY, INR/DB, INR/NESA

E.O. 12356: DECL: OADR

TAGS: PGOV, ASEC, PINS, EG, SA, IR, PK, AF, AG, UR
SUBJECT: CONVERSATIONS WITH A MEMBER OF "THE ISLAMIC
GROUP": (I) IDENTITY AND LEADERSHIP

WHO ARE THE "ISLAMIC GROUP?"

5. MEMBERSHIP AND ORGANIZATION: [] ASSERTED THAT
THE GROUP NUMBERS ABOUT 150,000 - 200,000; THUS THE
1500 JAILED SINCE APRIL 1 IS A SMALL NUMBER."
MOREOVER, EACH MEMBER HAS A LARGE FAMILY, AND THE
FAMILY NATURALLY SHARES HIS BELIEFS AND SUPPORTS HIM.
THERE ARE MEMBERS IN EVERY GOVERNORATE. THE MEMBERS
ARE UNIFIED IN A SINGLE IDEOLOGY, THOUGH THERE ARE
DIFFERENT "STYLES" OF ACTION FROM REGION TO REGION.
[] PASSED A THICK SHEAF OF PHOTOCOPIED HANDWRITTEN
PAGES EXPLAINING THE GROUP'S IDEOLOGY; ALSO BEING
TRANSMITTED SEPARATELY.) NONETHELESS WE ARE ONE,
ORGANIZED GROUP: A MEMBER IN THE NEW VALLEY (EXTREME
SECRET

SECRET

PAGE 02 CAIRO 09981 02 OF 03 031005Z

S.W. EGYPT) CAN DIRECTLY CONTACT A MEMBER IN THE SINAI
(N.E. EGYPT) THROUGH THE ORGANIZATION. (COMMENT:
THOUGH PRESSED, [] REFUSED TO ACCEPT A DISTINCTION
BETWEEN "SYMPATHIZERS", SUCH AS FAMILY MEMBERS, AND
GROUP MEMBERS WHO WERE COMMITTED AND READY TO TAKE
ACTION AGAINST THE ESTABLISHED ORDER. WE SUSPECT THAT
A VERY LARGE PROPORTION OF THE 200,000 CLAIMED MEMBERS
WOULD FALL INTO THE "SYMPATHIZER" CATEGORY, AND DO NOT
REPRESENT AN ISLAMIC REVOLUTIONARY VANGUARD. MOREOVER,
[] BIAS OBVIOUSLY IS TOWARD INFLATING THE NUMBERS
OF THE GROUP. END COMMENT.)

6. LEADERSHIP: 'OMAR 'ABDURRAHMAN IS OUR "MUFTI"
(GIVER OF RELIGIOUS LEGAL JUDGEMENTS) OR "AMIR 'AAM"
(GENERAL COMMANDER OR PRINCE), BUT OUR "OPERATIONAL
LEADER" ("AMIR AL-HARAKA") IS [] (SEE
REF B FOR [] REPORT OF 'ABDURRAHMAN'S INVOLVEMENT
IN RIOTS IN FAYOUM APRIL 7 AND SUBSEQUENT ARREST.)

INTELWIRE.com

UNCLASSIFIED

UNCLASSIFIED

[REDACTED] WAS ONE OF THE ELEVEN ORIGINAL MEMBERS OF OUR CONSULTATIVE ASSEMBLY (MAGLES AL-SHURA), ALL OF WHOM ARE EITHER IN PRISON OR WERE EXECUTED. THE SHURA COUNCIL, IN APPROXIMATE ORDER OF RANK, WAS COMPOSED OF:

[REDACTED]

SECRET

PAGE 03 CAIRO 09981 02 OF 03 031005Z

[REDACTED]

8. "THE GROUP" VS. OTHERS: AL-JIHAD, AL-TAKFIR WAL HIJRA, AL-NAGUN MIN AL-NAR, AL-TAWAQQUF WAL TABAYYUN (WHO ARE REALLY THE SAME AS AL-NAGUN) ARE EITHER NO LONGER IN EXISTENCE, OR HAVE FEW MEMBERS OUTSIDE PRISON, AND THEN ONLY ON A LOCAL BASIS. THE ONLY ISLAMIC ORGANIZATION ON A NATIONAL LEVEL IS THE ISLAMIC GROUP. THE MUSLIM BROTHERHOOD (MB) IS A NATIONAL ORGANIZATION BUT THEY ARE PART OF THE GOVERNING ESTABLISHMENT. WE REJECT THE CONCEPT OF "TAKFIR" (NOTE: CONDEMNING OTHERS, SUCH AS THE GOVERNMENT, AS INFIDELS) AND THUS ALSO REJECT THE IDEA THAT WE MUST

INTELWIRE.com

UNCLASSIFIED

UNCLASSIFIED

SHUN INFIDELS (NOTE: THE IDEA OF HIJRA, OR FLIGHT, OR
'UZLA, ISOLATION FROM SIN). WE REJECT VIOLENCE, BUT

SECRET

NNNN

SECRET

PAGE 01 CAIRO 09981 03 OF 03 031005Z
ACTION NEA-11

INFO LOG-00 ADS-00 INR-07 SSO-00 AMAD-01 INRE-00 ONY-00
/019 W

-----240423 031639Z /41 38

R 030957Z MAY 89
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 9423
INFO AMCONSUL ALEXANDRIA
DIA WASHDC

S E C R E T SECTION 03 OF 03 CAIRO 09981

DEPARTMENT ONLY FOR NEA/EGY, INR/DB, INR/NESA

E.O. 12356: DECL: OADR

TAGS: PGOV, ASEC, PINS, EG, SA, IR, PK, AF, AG, UR
SUBJECT: CONVERSATIONS WITH A MEMBER OF "THE ISLAMIC
GROUP": (I) IDENTITY AND LEADERSHIP
ONLY STRIKE BACK WITH FORCE IN SELF-DEFENSE. THE
GOVERNMENT PINS THE NAME "JIHAD" ON US, AND BLAMES US
FOR ATTACKS ON CHURCHES, BUT NONE OF OUR MEMBERS WERE
INVOLVED IN A SINGLE ATTACK AGAINST CHRISTIAN INTERESTS
ANYWHERE IN EGYPT.

-
9. DIFFERENCES WITH THE MB: WE DIFFER WITH THE MB'S

INTELWIRE.com

UNCLASSIFIED

UNCLASSIFIED

TACTICS AND SOME OF THEIR OBJECTIVES. OF COURSE, WE SHARE THE GOAL OF IMPOSING ISLAMIC LAW IN EGYPT, BUT WE SEEK THE PUBLIC INTEREST IN CALLING FOR AN ISLAMIC REGIME, WHEREAS THE MB'S GOALS ARE PRIMARILY PERSONAL INTERESTS AND PROPERTY INTERESTS. WE ALSO REJECT THE GAMES THEY PLAY WITH THE REGIME; THEY ARE EVEN PUTTING FORWARD TO THE GOVERNMENT MB CANDIDATES AS CABINET MINISTERS. THEY HIDE THEIR OBJECTIVES; WE ARE OPEN ABOUT OURS. WE DO NOT COOPERATE WITH THEM. FOR EXAMPLE, THEY HAD MEMBERS ON THE BOARD OF DIRECTORS OF

SECRET

SECRET

PAGE 02 CAIRO 09981 03 OF 03 031005Z

THE LAWYERS' SYNDICATE, BUT WE, NOT THEY, WERE THE ONES WHO PROVOKED THE CRISIS THERE (IN JANUARY). THE "ISLAMIC" COMMITTEE OF THE LAWYERS' SYNDICATE THAT IS PREPARING FOR THE UPCOMING SYNDICATE ELECTIONS [REDACTED] [REDACTED] WE HOPE WE WILL HAVE THREE CANDIDATES IN THOSE ELECTIONS. (COMMENT: THE TWO "ISLAMIC" MEMBERS OF THE PREVIOUS SYNDICATE BOARD WERE MB. END COMMENT.) WE WILL NOT COOPERATE WITH THE MB IN THE SHURA COUNCIL ELECTIONS.

-

10. OTHER GROUPS: LOCAL GROUPS OF ISLAMIC YOUTH EXIST AROUND THE COUNTRY. BECAUSE THEY LACK PROPER RELIGIOUS GUIDANCE, THEY DO CRAZY THINGS; THEN THE GOVERNMENT GIVES THEM SOME NAME AND FALSELY ASSOCIATES THEM WITH US. FOR EXAMPLE, "AL-GHURABA'" ("THE ALIENS" -- CITED IN A PRESS REPORT ABOUT FAYOUM) IS A GROUP OF TEN OR FIFTEEN YOUTHS WHO ARE NOT CONNECTED TO US; HOWEVER, SOME OF THE PEOPLE INVOLVED IN BOMBINGS AND INCIDENTS IN FAYOUM ARE/ARE GROUP MEMBERS. ONE TIME WHEN I WAS IN JAIL, I MET THE KIDS WHO BOMBED VIDEO CLUBS A FEW YEARS AGO. THE BOYS WERE TEN TO FIFTEEN YEARS OLD. I ASKED THEM WHY THEY DID SUCH A CRAZY THING IN THE NAME OF ISLAM. THEY TOLD ME THEY "WANTED TO DO SOMETHING FOR ISLAM", AND CAME UP WITH THIS IDEA ON THEIR OWN. THIS SHOWS THEIR LACK OF PROPER RELIGIOUS GUIDANCE. WE SHOW VIDEOS, INCLUDING SPORTS AND ENTERTAINMENT VIDEOS IN OUR MOSQUES. WHY SHOULD WE BOMB VIDEO CLUBS? (COMMENT: [REDACTED] PAMPHLET, HOWEVER, LISTED THE SIEZURE OF PORNOGRAPHIC MATERIALS AS AMONG THE GROUP'S "CONDEMNING OF THE EVIL AND ORDERING OF THE GOOD" ACTIVITIES." END COMMENT.)

SECRET

INTELWIRE.com

UNCLASSIFIED

UNCLASSIFIED

SECRET

PAGE 03 CAIRO 09981 03 OF 03 031005Z

-

11. IDEOLOGICAL INFLUENCES: SEYYED QUTB, ESPECIALLY HIS BOOK "MILESTONES ON THE ROAD," IS THE ISLAMIC THINKER TO WHOM WE ARE CLOSEST. THE MB HAS STRAYED FROM HIM LONG AGO, BEGINNING WITH THEIR IMPRISONMENT IN 1964. OTHERS THAT ARE CLOSE TO US ARE

12. SUBSEQUENT MESSAGES REPORT [REDACTED] DESCRIPTION OF THE GROUP'S RELATIONS WITH THE GOVERNMENT OF EGYPT AND WITH FOREIGN COUNTRIES.

WISNER

SECRET

INTELWIRE.com

UNCLASSIFIED

UNCLASSIFIED

NNNN

INTELWIRE.com

UNCLASSIFIED

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 1990KHARTO12626

RD0503010775

Page: 1

Channel: n/a

UNCLASSIFIED

E 208

PAGE 01 KHARTO 12626 041042Z
ACTION VO-06

INFO LOG-00 ADS-00 AF-01 AMAD-01 CA-02 CIAE-00 DODE-00
DS-01 INRE-00 INR-05 NSAE-00 SCT-03 /019W
-----25D0D7 041042Z /38

P 041043Z DEC 90
FM AMEMBASSY KHARTOUM
TO SECSTATE WASHDC PRIORITY 8074

UNCLAS KHARTOUM 12626

FOR CA/VO/L/C: [REDACTED]

E.O. 12356: N/A
TAGS: CVIS, PTER, EG (ABDEL RAHMAN, OMAR AHMED ALL)
SUBJ: REQUEST FOR ASSISTANCE

REF: (A) VICTARS 120891 (B) STATE 402128 AND
PREVIOUS

MATERIALS REQUESTED IN REFTEL B WERE FORWARDED VIA
REGULAR MAIL HAND CARRIED TO THE UNITED STATES ON
NOVEMBER 28. THEY WERE ADDRESSED TO AF/E: [REDACTED]
[REDACTED] FOR HANDLING.

UNCLASSIFIED

NNNN

9/11 Personal Privacy

Current Class: UNCLASSIFIED

Page: 1

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 1990STATE401142

Page: 1

Channel: n/a

UNCLASSIFIED

PAGE 01 STATE 401142 280243Z
ORIGIN VO-06

INFO LOG-00 ADS-00 CA-02 CIAE-00 DODE-00 DS-01 INRE-00
INR-05 INSE-00 L-03 NEA-01 NSAE-00 SCT-03 /021R

DRAFTED BY:
APPROVED BY:



-----22639B 280243Z /38

O 280242Z NOV 90
FM SECSTATE WASHDC
TO USINS WASHDC IMMEDIATE

UNCLAS STATE 401142

VISAS; FOR INS/COINS AND INS/COINT

E.O. 12356: N/A
TAGS: CVIS, PINS, PTER, EG (ABDEL RAHMAN, OMAR AHMED
ALI)

VISA REVOCATION

REF: A) VICTARS 120891 B) CAIRO 22795 AND PREVIOUS
(NOTAL)

1. THIS IS TO ADVISE THAT ON26 NOVEMBER 1990 THE
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 401142 280243Z
DEPARTMENT REVOKED ANY AND ALL VALID NONIMMIGRANT VISAS
ISSUED TO OMAR ALI ABDEL RAHMAN (AKA ABDURRAHMAN, AKA
AL-RAHMAN, AKA ABD-AL-RAHMAN), DPOB 3 MAY 1938, EGYPT.

2. EX O THE CERTIFICATE OF REVOCATION.

QUOTE. NOVEMBER 26, 1990 CERTIFICATE OF REVOCATION
THIS IS TO CERTIFY THAT I, THE UNDERSIGNED DEPUTY
ASSISTANT SECRETARY OF STATE FOR VISA SERVICES, ACTING
IN PURSUANCE OF THE AUTHORITY CONFERRED BY SECTION 221
(LITTLE I) OF THE IMMIGRATION AND NATIONALITY ACT (8

Current Class: UNCLASSIFIED

Page: 1

E 209

Current Class: UNCLASSIFIED
Current Handling: n/a
Document Number: 1990STATE401142

Page: 2
Channel: n/a

U.S.C. 1201 (LITTLE I)), BY DELEGATION OF AUTHORITY NUMBER 74 AND BY REDELEGATION OF AUTHORITY NUMBER 74-3-A, HEREBY REVOKE ANY AND ALL CURRENTLY VALID NONIMMIGRANT VISAS ISSUED TO MR. OMAR ALI ABDEL RAHMAN, BORN MAY 3, 1938, IN EGYPT. THIS ACTION SHALL TAKE EFFECT IMMEDIATELY. (SIGNED) JOHN H. ADAMS UNQUOTE.

3. CA/VO WILL FORWARD A COPY OF THE SIGNED CERTIFICATE OF REVOCATION. PLEASE INFORM ALL CARRIERS AND PORTS OF ENTRY OF THE REVOCATION. DEPT. UNDERSTANDS THAT THE SPELLING ON HIS EGYPTIAN PASSPORT IS ABDEL RAHMAN. AS IDENTIFICATION, HE IS BLIND AND WALKS WITH A LIMP. HE IS NOT PRESUMED TO SPEAK ENGLISH. MOST PROBABLE US PORTS OF ENTRY ARE JFK AND NEWARK AIRPORTS.

4. ABDEL RAHMAN IS LISTED IN AVLOS AS A 77 ENTRY FROM CAIRO. DEPT. WILL ENTER HIM AS A 00 AND REQUESTS INS TO MAKE THE APPROPRIATE ENTRIES IN NAILS. BAKER

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 401142 280243Z

UNCLASSIFIED

NNNN

Current Class: UNCLASSIFIED

Page: 2



United States Department of State

Assistant Secretary of State
for Consular Affairs

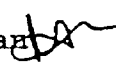
Washington, D.C. 20520

July 16, 1993

164619
(C3005)

MEMORANDUM

TO: OIG - Sherman M. Funk

FROM: CA - Mary A. Ryan 

SUBJECT: Issuance of Nonimmigrant Visas to Sheik Abdel Rahman

REF: Your Memorandum of July 7, 1993

It is not possible to answer definitively whether or not visas (particularly the one issued in 1990) should have been issued or denied based on the evidence and information available at the time of application, because we do not know with certainty today the extent of the evidence or information available at those times. What can be said is that it is still not clear sufficient evidence or information was available then to ensure that the visas would have been denied under the existent law had the proper procedures been followed.

In 1990, given the effect of section 901 of P.L. 100-204 on Section 212 (a) of the Immigration and Nationality Act (INA), mere advocacy of or incitement to acts of terrorism would not have been sufficient for ineligibility under Section 212 (a) (28). Then (as now) evidence of actual involvement in terrorist activity beyond mere words would have been required. Taking into account that the Sheik had been acquitted by an Egyptian court on the charges brought against him in the Sadat assassination, there is no evidence we have seen that clearly establishes that his activities in support of terrorism extended beyond mere words.

9/11 Closed by Statute

9/11 Closed by Statute

That determination, however, would have had to be made at the Undersecretary level, based on arguments that might have been made regarding the effect of his entry on the public interest. Not knowing how those arguments might have been framed, it is not possible to say whether, based on what was known about the Sheik then, they would have been persuasive. However, in view of the climate of criticism of the then Administration regarding refusal of visas on "ideological grounds", it cannot be taken for granted that the decision would have been to deny him the visa.

I enclose a paper prepared in the Visa Office which examines the question in more detail.

Attachment:

As stated.



United States Department of State
The Inspector General
Washington, D.C. 20520-6817
July 7, 1993

14641 H

CBOOSA
H

MEMORANDUM

TO: CA - Ms. Mary A. Ryan
FROM: OIG - Sherman M. Funk *RS for*
SUBJECT: Issuance of Nonimmigrant Visas to Sheik Abdel Rahman

During our work on the subject of visas issued to Sheik Rahman, our team concluded that sufficient evidence was available at the time to deny each of his applications, if the information had been properly entered into the lookout system and/or accessed. This conclusion was generally concurred in by key officials at the time the visas were issued.

9/11 Closed by Statute

Shortly before the June 30 hearing we were provided a copy of Mr. Scully's June 22, 1993, memorandum which stated his opinion that a better-than-average chance existed that the Department's Legal Adviser would have found that a refusal of the Sheik's visa in 1990 would have violated immigration law.

This issue may likely attract considerable attention during the upcoming open hearing on July 22. I very much need to understand CA's official position on whether the visas (particularly the 1990 one) should have been issued or denied, based on the evidence and information available at the time of the applications. My team will be happy to discuss this matter and share all information we collected from officials (past and present) and post files.

I would appreciate your written response by July 16, 1993, so that I can properly examine it in advance of the next hearing. Your staff can contact John Payne at 7-7096 or Linda Topping from my Office of Counsel at 7-5059 if you have questions.



United States Department of State

Washington, D.C. 20520

JUL 15 1993

14641 I
CB5006
H

To : CA - Mary A. Ryan
Through: CA/VO - John H. Adams *jad*
From : CA/VO/L - Cornelius D. Scully *CS* III
Subj : Issuance of Nonimmigrant Visas to Sheikh Abdel Rahman
Ref : OIG memorandum of July 7, 1993

For possible use in responding to the request set forth in the memorandum under reference, I offer the following comments.

Before going into a technical analysis, I believe I should explain the state of affairs as I understand it. After receipt of the memorandum under reference, I discussed this matter with Mr. Brennan and Ms. Brown of OIG and reviewed documents dating between 1982 and November 1990 assembled by the OIG team during its investigation to date. As Mr. Brennan explained the matter to me,

9/11 Closed by Statute

Being unable to review the actual file, the investigators thereafter interviewed a number of officers who had been stationed in Cairo during the pertinent periods and obtained their recollections of the nature and substance of the information which was contained in the file during its existence.

9/11 Closed by Statute

I was unable to review the records of those interviews since, according to Mr. Brennan, they have not as yet been transcribed.

As a result, insofar as the Sheikh's possible ineligibility on terrorist grounds in 1990 is concerned, I cannot make a definitive judgment.

9/11 Closed by Statute

9/11 Closed by Statute

9/11 Closed by Statute

Accordingly, although it would have been legally permissible to grant the sheikh a waiver of ineligibility to permit his temporary entry notwithstanding the ineligibility, the decision whether or not to do so would have been entirely discretionary.

Obviously, it is not possible to know with certainty how that discretion would have been exercised, but it was long-standing Department policy that waivers would not routinely be obtained for aliens ineligible for past terrorist activity. Thus, someone would have had to make a convincing case for the propriety of obtaining a waiver for the Sheikh in order for the necessary recommendation to be made to the Immigration and Naturalization Service.

If, on the other hand, the Cairo file had reflected a history of extremist statements, advocating the overthrow of governments which failed to function according to Islamic law and the overthrow or assassination of the rulers of such government, but not a history of terrorist acts or actions in furtherance of terrorism, the situation would have been quite different. It is here that section 901 comes into the equation.

Section 901 must be seen in its context. Beginning in about 1983 various groups opposed to Reagan Administration policies vis-a-vis Central America and Cuba and with respect to nuclear disarmament began to charge that the Administration was depriving American citizens of their First Amendment right to hear the views of aliens who sought to enter to participate in public debates on these issues and whose views were antithetical to those of the Administration. These charges were pursued in various ways -- in

the media, in the courts and through the legislative process. As the 1980s wore on, the charges became ever more expansive and positions on the matter became more polarized. Ultimately, opponents of the Administration came to characterize sections 212(a)(27), (28), and (29) as the "ideological exclusions" and to insist upon their outright repeal.

Now, outright repeal of all three sections would have had catastrophic consequences. The problem the Administration faced at the time, however, was that attempts to explain that fact and to describe what the consequences would be were dismissed as political subterfuges designed to thwart reform of an unjust system, making it possible for the Administration to continue its nefarious practices. The atmosphere which all of this produced within the Department is difficult to imagine at this remove, but there was substantial apprehension about any politically sensitive visa refusal. Secretary Shultz was personally very concerned, as he made clear to then Assistant Secretary Joan Clark.

The legislative process began in 1984 or 1985 with the introduction by Cong. Frank (D-Mass) of a bill to revise section 212(a) of the Act. Hearings were held on that bill, but it was not enacted in that Congress, nor in the next. Mr. Frank again introduced it in the 100th Congress, but again it appeared unlikely to be enacted. It was at this point, that other like-minded members proposed and had enacted section 901.

Initially, section 901 was limited to a fifteen month period beginning on January 1, 1988. The report of the conferees on P.L. 100-204 makes it clear that the time limit was in anticipation of the enactment of permanent revisions to sections 212(a)(27), (28), and (29) of the Act. In the event, the completion of that revision process was delayed until late 1990. As a result, section 901 was, first, extended for a two-year period and, later, made permanent. In the process, it was also modified to apply only to nonimmigrant aliens. (Initially, it had applied to all aliens, immigrant or nonimmigrant.) Section 901 was repealed by the Immigration Act of 1990, as of June 1, 1991, the effective date of the permanent revisions of section 212(a).

Upon the enactment of section 901, the Administration took the position that section 901 did not repeal or suspend the application of any provision of the Act, specifically sections 212(a)(27), (28), or (29). It conceded that an alien could not be denied admission under those sections for reasons specified in section 901, but asserted that aliens could be denied under those sections for reasons other than the prohibited ones.

With specific respect to sections 212(a)(28)(C) and (F), the Administration took the position that it continued to be legally permissible to make findings of ineligibility under those sections in respect of nonimmigrants, but that, where the finding of ineligibility was based upon mere membership or affiliation or upon statements which would bring the alien within the purview of either section, section 901 mandated that a waiver of ineligibility be recommended and granted to permit temporary entry notwithstanding the ineligibility.

Almost immediately thereafter, yet another controversy arose over the Administration's position. Proponents of section 901 asserted that its enactment suspended the operation of those sections, eliminating the need for waivers of ineligibility, and accused the Administration of bad faith in its failure to act accordingly. This controversy became particularly acute after the final amendment of section 901 which made it permanent.

In this connection, I am enclosing for your information a copy of a May 23, 1990 letter to the Secretary from Messrs Frank, Morrison, Edwards, Schumer, Berman and Kastenmeier. All six were then members of the House Judiciary Committee; four of them members of the Subcommittee on Immigration. I am also enclosing a document prepared for the use of Cong. Frank by the Congressional Research Service on this subject. I hasten to say that the Administration did not agree with the interpretation espoused in either document, but I think they are of interest in terms of the climate which existed at the time of the Sheikh's May 1990 visa application.

In connection with section 901 and its impact on this subject, Mr. Brennan expressed the view to me that Congress did not intend to cover people like the Sheikh, but rather intended section 901 to apply only to Communist Party members. While that could, of course, be the case, the documents available to me do not support that opinion. The conferees stated "For example, such exclusions, restrictions, or deportations would not be appropriate if based on an alien's criticism of the United States or U.S. policies; an alien's attempt to influence lawfully the outcome of legislation before the Congress; or an alien's mere membership in a Communist, anarchist or other organization proscribed under current law."

In addition, the Congress expressly denied the benefits of section 901 to aliens who were members, officers, officials,

-5-

representatives or spokesmen of the PLO. The PLO had been designated as a terrorist organization in 1974 and the Congress clearly understood that section 901 would apply to its members and those who made statements in its support unless they made special provision with respect thereto. I believe that the fact that the Congress made special provision for a named terrorist organization and its members strongly suggests that it knew that membership in terrorist organizations generally would be within the purview of section 901.

Finally, the successor provision to section 212(a)(28)(F) -- section 212(a)(3)(B) -- is very carefully written to confine itself to terrorist activity and actions in furtherance thereof.

[REDACTED] I
am enclosing a copy of that document for your information as well.

[REDACTED] it was shared on an informal basis with a member of Cong. Frank's staff and of the staff of the House Judiciary Subcommittee on Immigration. Both expressed agreement with its terms. I do not know whether either Mr. Frank or actual members of the Subcommittee saw the draft.

I turn back now to the Sheikh's May 1990 visa application in light of the foregoing and the possibility that the Cairo file would have shown nothing more than extremist, terrorist statements, but not activity.

[REDACTED]

[REDACTED]

The attorney at Justice's office of Immigration Litigation who handled all the litigation on foreign policy refusals expressed the view then, and continues to hold it, that allowing the prohibition against denials because of statements, beliefs, or

year. Cairo also reported that it routinely issued nonimmigrant visas to Muslim clerics seeking to preach at mosques in the U.S. once it was satisfied that all expenses were being covered by the U.S. interested party.

Thus, by the time the Sheikh applied in May 1990 he had travelled temporarily to the United States at least once and perhaps twice and had not violated, so far as we know, the terms and conditions of his admission.

9/11 Closed by Statute

While we now know that the Sheikh applied for adjustment of status several months after arriving here, there is nothing to indicate that the consular officer at Khartoum could have had reason to suspect that he would do so. In fact, we have no way of knowing at what point the Sheikh made the decision to seek permanent residence. He could have had that in mind in May 1990 or even before then. He could have decided to do so after arrival here, for reasons which arose after entry. We know nothing of that aspect of the matter and will likely never learn anything meaningful about it. Thus, the most that can possibly be said is the broad generalization that a consular officer can doubt the nonimmigrant bona fides of any applicant, depending upon what is said by the applicant during the interview and his demeanor.

- encl: (1) Letter of May 20, 1990
(2) CRS Memorandum of May 9, 1990
(3) 91 State 178327
(4) L/CA FAX of October 9, 1991
(5) Memorandum of October 18, 1991

Drafted: CA/VO/L:CDScullyIII:cds
7/15/93 WD#3501D x31184

Clearance: CA/VO-JHAdams

WITHDRAWAL NOTICE

RG: 148 Exposition, Anniversary, and Memorial Commissions

SERIES: 9/11 Commission Team 5, FRC Box 23

NND PROJECT NUMBER: 51095 FOIA CASE NUMBER: 30383

WITHDRAWAL DATE: 09/08/2008

BOX: 00004 FOLDER: 0008 TAB: 1 DOC ID: 31194383

COPIES: 1 PAGES: 56

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

FOLDER TITLE: CIA/State documents re Blind Sheikh 1 of 3

DOCUMENT DATE: DOCUMENT TYPE: Report

FROM: CIA

TO: Marcus

SUBJECT: Response to DCI document request no. 39

This document has been withdrawn for the following reason(s):

9/11 Classified Information

WITHDRAWAL NOTICE

WITHDRAWAL NOTICE

Series: Team 5 Files

Folder: CIA/State Documents re: Blind Sheikh (2 of 3)

Date: 04/30/1993

Pages: 9

Description: Memorandum from DCI to IG re: Report re: Blind Sheikh

Reason for withdrawal: classification review pending

Box: 00004 Folder: 0009 Tab: 1 Doc. ID: 31194420

Box 55

Withdrawn by: K.M., 01/07/2009 (Originally withdrawn 09/08/2008)

WITHDRAWAL NOTICE

RG: 148 Exposition, Anniversary, and Memorial Commissions

SERIES: 9/11 Commission Team 5, FRC Box 23

NND PROJECT NUMBER: 51095

FOIA CASE NUMBER: 30383

WITHDRAWAL DATE: 09/08/2008

BOX: 00004

FOLDER: 0009

TAB: 2

DOC ID: 31194421

COPIES: 1 PAGES: 2

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

FOLDER TITLE: CIA/State documents re Blind Sheikh 2 of 3

DOCUMENT DATE: 02/11/2004 DOCUMENT TYPE: Memorandum

FROM: State

TO: Marcus

SUBJECT: ...Requests Nos. 1, 3, and 4

This document has been withdrawn for the following reason(s):

9/11 Classified Information

WITHDRAWAL NOTICE

WITHDRAWAL NOTICE

RG: 148 Exposition, Anniversary, and Memorial Commissions

SERIES: 9/11 Commission Team 5, FRC Box 23

NND PROJECT NUMBER: 51095

FOIA CASE NUMBER: 30383

WITHDRAWAL DATE: 09/08/2008

BOX: 00004

FOLDER: 0009

TAB: 4

DOC ID: 31194423

COPIES: 1 PAGES: 89

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

FOLDER TITLE: CIA/State documents re Blind Sheikh 2 of 3

DOCUMENT DATE:

DOCUMENT TYPE: Report

FROM: State

TO:

SUBJECT: Report of Audit

This document has been withdrawn for the following reason(s):

9/11 Classified Information

WITHDRAWAL NOTICE

WITHDRAWAL NOTICE

RG: 148 Exposition, Anniversary, and Memorial Commissions

SERIES: 9/11 Commission Team 5, FRC Box 23

NND PROJECT NUMBER: 51095

FOIA CASE NUMBER: 30383

WITHDRAWAL DATE: 09/08/2008

BOX: 00004

FOLDER: 0009

TAB: 5

DOC ID: 31194424

COPIES: 1 PAGES: 5

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

FOLDER TITLE: CIA/State documents re Blind Sheikh 2 of 3

DOCUMENT DATE: 03/11/2004 DOCUMENT TYPE: Letter

FROM: CIA

TO: Marcus

SUBJECT: Request for documents made by Susan Ginsburg at an interview at the CIA HQ on 23 February 2004

This document has been withdrawn for the following reason(s):

9/11 Classified Information

WITHDRAWAL NOTICE

WITHDRAWAL NOTICE

Series: Team 5 Files

Folder: CIA/State Documents re: Blind Sheikh (3 of 3)

Date: 10/06/1994

Pages: 154

Description: Report

Reason for withdrawal: classification review pending

Box: 00004 Folder: 0010 Tab: 1 Doc. ID: 31194529

Box 55

Withdrawn by: K.M., 01/07/2009 (Originally withdrawn 09/08/2008)

17 January 1995

SUBJECT: After Debriefing Report

1. Debriefing conducted to Abdul Hakim HASIM MURAD yielded the following results:

a. Subject disclosed that Astrolite Bomb is made of Ammonium Nitrate and Hydrazine Liquid. That its explosion capacity is twice as that of the TNT. Subject further disclosed that in making an Astrolite Bomb, you have to mix 2.5 Quantity of Ammonium Nitrate to 1 quantity of Haydrazine Liquid.

b. That during the WTC bombing, subject disclosed that the terrorists used an explosive composed of small quantity of Lead Azide (1 kilo), small quantity of Astrolite Bomb and a large volume of Chemical bomb made out of Nitric Acid placed inside a drum. The terrorists allegedly put said explosives side by side inside the van and brought it to WTC parking area. That it was ignited by means of an improvised detonating cord made out of gun powder rolled in a cloth which was attached to the drum containing the explosive made out of nitric acid. The terrorists lighted the said detonating cord by means of a match or lighter before leaving the WTC premises. Said detonating cord itself is already enough to ignite the bomb as revealed by the subject. And in order to hide the smoke, subject disclosed that the detonating cord was covered with a pipe attache to plastic bag that absorbs the smoke during the detonation. *

c. Subject further disclosed that Abdul BASIT, Muhammad SALAMAT, and Assam (LNU) are the ones who executed the WTC bombing. He alleged that Assam, a Jordanian and a taxi driver in New York was the one who drove the van going to the WTC parking area.

The trio allegedly used a safehouse located at Jersey City prior to the conduct of the bombing. Likewise, subject further alleged that Mahmud Abu HALIMA, a WTC bombing suspect who is now detained at the United States is not a participant in said bombing incident and is actually innocent as per revelation to him by Abdul BASIT.

2. Subject was observed to be very cooperative during the conduct of the debriefing.

3. For information and reference.

* Bomb Techniques

DEBRIEFING

BOMB MAKING

FLIGHT TRAINING

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/14/95

ABDUL BASIT MAHMOUD ABDUL KARIM, (hereafter referred to as BASIT), also known as RAMZI AHMED YOUSEF, was interviewed at the United States Courthouse, Southern District of New York (SDNY), in Manhattan, by Special Agents (SAs) FRANCIS J. PELLEGRINO and CHARLES B. STERN of the FEDERAL BUREAU OF INVESTIGATION (FBI), and SA BRIAN G. PARR of the United States Secret Service (USSS).

Also present for the interview were Assistant United States Attorneys (AUSAs) J. GILMORE CHILDERS, LEV DASSIN and MICHAEL J. GARCIA, of the SDNY, and BASIT's attorney, AVRAHAM MOSKOWITZ.

A written proffer agreement was signed by AUSA CHILDERS and MOSKOWITZ immediately prior to the start of the interview, and the interview was conducted pursuant to that agreement. It was also agreed between CHILDERS and MOSKOWITZ that the substance of the interview would be limited to the participation of YOUSEF and those already convicted in the World Trade Center (WTC) bombing.

BASIT thereafter provided the following information:

Basit began by discussing the type of explosive he utilized in the bombing at the WTC on February 26, 1993.

He described the main charge as urea nitrate, contained in a wooden box of his own construction. The box was largest in its horizontal dimensions; the sides of the box were not as large as its top and bottom dimensions.

The main charge was boosted by three separate boosters, each with its own detonator. He described the boosters as follows:

1) Thirty (30) kilograms (kg) of dynamite, which he manufactured from 70% ammonium nitrate, 29% nitroglycerine, and 1% nitrocellulose.

Investigation on 2/13/95 at New York, New York File #

SAs FRANCIS J. PELLEGRINO, FBI, CHARLES B. STERN, FBI,
by BRIAN G. PARR, USSS/FJP:pg Date dictated 2/14/95

Continuation of FD-302 of ABDUL BASIT, AKA RAMZI YOUSEF . On 2/13/95 . Page 2

2) Twenty (20) kg. of a mixture of ammonium nitrate, nitromethane, and analine (94% nitromethane and 6% analine mixed, then 1/3 of this mixture added to 2/3 of ammonium nitrate, by volume, not by weight).

3) Fifty (50) kg. of thermite, manufactured by him by mixing ferric trioxide, magnesium powder, aluminum powder and some glycerine.

The dynamite and ammonium nitrate/nitromethane/analine mixture had a detonator made of picric acid and lead azide, contained in a plastic tube, which was in turn, housed in a metal outer container.

The thermite had a separate detonator, consisting of lead azide and a stick of dynamite, surrounded by black powder and magnesium powder.

The detonators were all connected with nitrocellulose, which was affixed inside of heavy tape. The nitrocellulose was ignited by a fuse, which was housed inside a clear plastic tube, with a plastic bag affixed on the end which was lighted. The plastic bag and tube served to contain any smoke generated by the burning fuse.

The fuse was lighted by BASIT from the front passenger seat of the van; the fuse was twelve minutes in burning time. When the fuse reached the nitrocellulose, this material would ignite almost instantaneously, activating each of the detonators at the same time. The detonators would then detonate the booster charges, which would, in turn, detonate the main urea nitrate charge.

BASIT noted that he wished to focus as much of the blast as possible to the "beam" in the tower, in order to cause the tower to fall. However, he related that most of the blast was directed up and down, as the surface area of the box containing the main charge was greatest in the horizontal plane. He indicated that, had he been able to obtain additional financing, he would have been able to construct the device in such a way as to focus more of the blast horizontally, against the "beam" of the World Trade Center tower, and would have been able to topple one tower into the other.

He related that the booster charges were buried in the urea nitrate main charge. Also buried were three large cylinders of hydrogen gas.

Concerning the nitrocellulose, which was used to connect the detonators, BASIT described the following as his method of manufacture for that material:

He stated that it was made by mixing 150 milliliters of nitric acid and 250 milliliters of sulfuric acid, keeping the temperature under 25 degrees Celsius. Seventeen grams of hospital type cotton was then soaked in the acid, boiled in water, and then washed until its "PH" was seven. This material is then dried.

BASIT advised that MOHAMMED SALAMEH and NIDAL AYYAD rented a car a few days before the WTC bombing. BASIT could only recall that the car was red in color. BASIT stated that SALAMEH drove this rental car, while he and another individual brought the Ryder van carrying the explosive into the Trade Center. YOUSEF advised that he was in the passenger seat of the van when he lit the 12 minute fuse that was to ignite the explosive. BASIT said that after the fuse was lit they entered the car in which SALAMEH was waiting, and departed the Trade Center. BASIT advised that SALAMEH was alone in the second car.

BASIT advised that to his knowledge, he and SALAMEH kept the time and target of the explosion a secret in order to avoid any "leaks". BASIT advised that if MAHMOUD ABOUHALIMA or ABDUL RAHMAN YASIN were aware of the time or target, they only found out a few days before it happened. BASIT advised that the man who drove the van came from another state to New York to assist BASIT in the attack. BASIT stated that this other individual was aware that he was planning something, but BASIT did not give him the details of his plan until he arrived in New York. BASIT said that he first contacted this individual sometime in November of 1992. BASIT advised that this individual left New York the evening of February 26, 1993, on a different flight than himself.

BASIT advised that he and his friend stayed in a hotel in Brooklyn the night before the bombing, and that the van was parked in a parking area that is used exclusively for the hotel.

Continuation of FD-302 of ABDUL BASIT, AKA RAMZI YOUSEF . On 2/13/95 . Page 4

This hotel was picked by his friend who had stayed there once before, and they knew it was close to Manhattan.

BASIT advised that SALAMEH forgot to give BASIT a planned wake up call the morning of the bombing, so their plan started out later than originally expected. BASIT stated that they wanted the bomb to ignite either between 9 - 11 am or 1 - 3 pm, as more people would be in the building at these times and the chances for casualties would increase. Due to the forgotten wake up call, Basit knew he could not get to the Trade Center in time for the 9 - 11 am period, but he became anxious and decided not to wait until 1 pm.

As for ABDUL RAHMAN YASIN, BASIT stated that YASIN assisted in mixing chemicals used to manufacture the explosive, and that he suffered a bad burn on his leg as a result. YASIN also hauled materials to and from various locations.

BASIT advised that NIDAL AYYAD purchased some chemicals for the explosive. BASIT stated that AYYAD was told that BASIT was unaware of AYYAD'S assistance in the plot. BASIT stated that this was SALAMEH's way of getting the assistance from AYYAD. BASIT advised that he gave the responsibility letter to SALAMEH, who passed it on to AYYAD, who typed it on his computer. BASIT advised that AYYAD put the letters into envelopes and stamped them. BASIT advised that to his knowledge, AYYAD was unaware of the target for the bombing until shortly before the bombing.

MAHMOUD ABOUHALIMA, according to BASIT, brought them food when they were mixing chemicals. On occasion, ABOUHALIMA would provide a couple of hundred dollars to make purchases for the bomb. BASIT advised that ABOUHALIMA was at 40 Pamrapo when chemicals were being mixed, but never stayed too long because the vapors from the chemicals bothered him.

BASIT advised that SALAMEH assisted in everything related to the planning, preparation and execution of the bombing of the Trade Center. BASIT also advised that SALAMEH was also supposed to go back to the various locations and wipe away all the fingerprints.

BASIT advised that he did not know anyone before coming to New York, except for AJAJ, who was arrested at the airport

Continuation of FD-302 of ABDUL BASIT, AKA RAMZI YOUSEF . On 2/13/95 , Page 5

when they arrived. BASIT advised that he only had one dollar in his pocket but was fortunate to run into a Pakistani taxi driver. BASIT stated that the Taxi driver let BASIT stay with him for a couple of days. The taxi driver then brought BASIT to a Mosque, which BASIT believes was in Manhattan. At this Mosque BASIT met MAHMOUD ABOUHALIMA.

ABOUHALIMA told BASIT that he would take him to some friends that would help him since he did not know anyone in New York. While in ABOUHALIMA's car, a call came in from SALAMEH on ABOUHALIMA's car phone. At that time ABOUHALIMA arranged for BASIT to stay with SALAMEH.

BASIT advised that he eventually told SALAMEH that he had been in Afghanistan and that he knew how to build explosives. BASIT stated that SALAMEH told him that they could work together. BASIT advised that he came to the U.S. to pick targets for a bombing, and he found SALAMEH eager to assist. BASIT advised that both he and SALAMEH had the same motivations. BASIT advised that SALAMEH had money and paid for his food and clothes. BASIT says he is not sure where SALAMEH got his money, but he believed that SALAMEH, AYYAD, and BILAL ALKAISI were involved in a scheme involving bad checks, and this was a possible source for some of their money. BASIT stated that ALKAISI was not involved in the bombing.

BASIT advised that he contacted LOU-AY AL-GHOUL in Canada because he wanted some information regarding Urea Nitrate. BASIT said that he knew that AL-GHOUL was studying some kind of chemistry at the University and so he called for advice. BASIT advised that he did not inform AL-GHOUL exactly what he was doing, but that AL-GHOUL was aware that BASIT was making an explosive. BASIT stated that AL-GHOUL was a classmate from Kuwait.

BASIT advised that about 4 months before he arrived, he decided that he needed to travel to the U.S. to pick targets for an attack. BASIT stated that he attempted to get legitimate visas from the U.S. Embassy in Islamabad on two occasions. Both attempts were unsuccessful so he came to the U.S. using a false passport and requested political asylum.

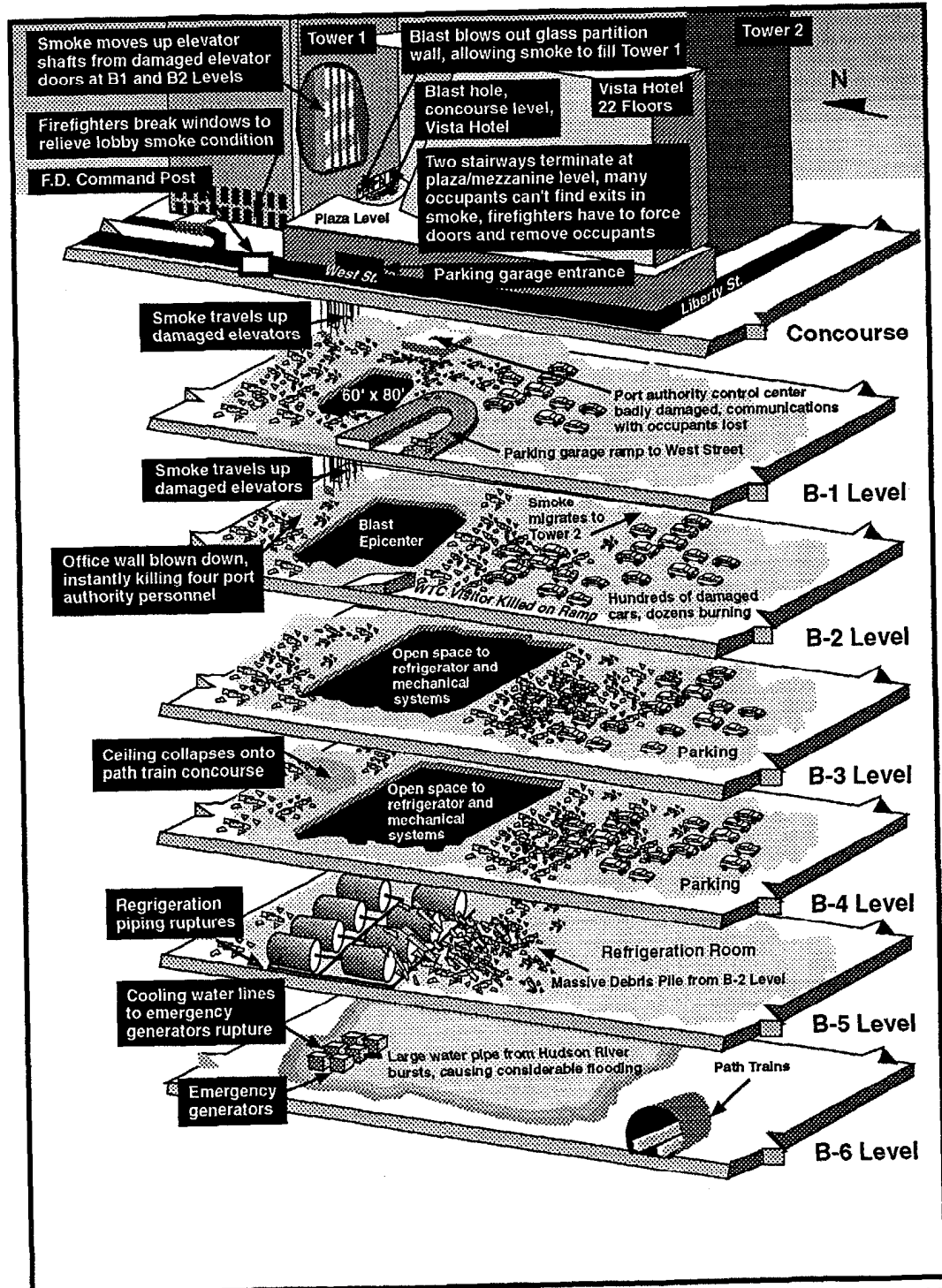
BASIT advised that he met AHMED AJAJ in a camp in Afghanistan, but that AJAJ was only there for a short time.

Continuation of FD-302 of ABDUL BASIT, AKA RAMZI YOUSEF . On 2/13/95 . Page 6

They met again subsequently in Peshawar, Pakistan. BASIT advised that all kinds of military type training occur at these camps, but he did not fight in the war in Afghanistan.

BASIT advised that ABDULLAH ALKANDRI (ph), a teacher of his from Kuwait, was unaware that BASIT was going to bomb the Trade Center. BASIT advised that he called him when he arrived in the states, but he did not tell him of his plans. BASIT stated that ALKANDRI was advised after the bombing, but that he was not happy with BASIT. BASIT stated that ALKANDRI is not happy due to a different ideology.

Blast Damage



Blast Damage

by Steven C. De Rosa

The effects of the blast on the World Trade Center were severe.
PLAZA LEVEL (three levels above the explosion)

- A 100-square-foot section of concrete was cracked and lifted.

CONCOURSE LEVEL (two levels above the explosion)

- A 400-square-foot hole was opened in a meeting/dining room near the Liberty Ballroom of the Vista Hotel.
- Glass windows, the partition between the Vista Hotel and Tower 1 at the concourse level, were blown out from the explosion, creating a pathway for heavy smoke migration from the Vista Hotel to Tower 1.
- A section of plaster-and-lath ceiling above the hole collapsed.

B-1 LEVEL (one level above the explosion)

- A 5,000-square-foot hole was opened on the ramp leading to the parking garage below.
- The Port Authority command/communications center was heavily damaged and rendered inoperable.
- Walls and ceilings were heavily damaged.
- Elevators were damaged.
- Seven steel columns were damaged and left without lateral support.

B-2 LEVEL (ground zero)

- An L-shaped crater, approximately 130 by 150 feet at its maximum points, was opened, collapsing reinforced concrete and debris onto levels below.
- At least nine steel columns were heavily damaged and left without lateral support.
- Many walls collapsed, including a concrete block wall adjacent to the blast area that collapsed onto and killed five WTC personnel.
- Doors/enclosure walls of Tower 1 elevator shafts were heavily damaged.
- Some 200 vehicles were fully or partially destroyed, and many were on fire.
- Primary electrical power feeder lines were damaged.
- Stairway doors and shaft walls were heavily damaged.
- Some standpipes were damaged.
- The sprinkler system in the immediate blast area was destroyed.

B-3, B-4, B-5, B-6 LEVELS (below the explosion)

- Debris from the blast traveled through a three-level architectural opening (spanning B 3 through B 5) and crashed down on refrigeration equipment on B 5.
- A ceiling of the PATH train station on the B-5 level collapsed.
- A 24-inch-diameter water supply pipe from the Hudson River to the air-conditioning chillers, as well as other smaller refrigeration/air-conditioning and domestic water pipes, were ruptured.
- Domestic water lines to the emergency generators were damaged on the B-6 level.

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 UNITED STATES OF AMERICA,

5 v.

6 OMAR AHMAD ALI ABDEL RAHMAN,
7 a/k/a "Omar Ahmed Ali,"
8 a/k/a "Omar Abdel Al-Rahman,"
9 a/k/a "Sheik Rahman,"
10 a/k/a "The Sheik,"
11 a/k/a "Sheik Omar,"

12 EL SAYYID NOSAIR,
13 a/k/a "Abu Abdallah,"
14 a/k/a "El Sayyid Abdul Azziz,"
15 a/k/a "Victor Noel Jafry,"

16 IBRAHIM A. EL-GABROWNY,
17 SIDDIG IBRAHIM SIDDIG ALI,

18 a/k/a "Khalid,"
19 a/k/a "John Medley,"

20 CLEMENT HAMPTON-EL,
21 a/k/a "Abdul Rashid Abdullah,"
22 a/k/a "Abdel Rashid,"
23 a/k/a "Doctor Rashid,"

24 AMIR ABDELGANI,
25 a/k/a "Abu Zaid,"
a/k/a "Abdou Zaid,"

FARES KHALLAFALLA,
a/k/a "Abu Fares,"
a/k/a "Abdou Fares,"

TARIG ELHASSAN,
a/k/a "Abu Aisha,"

FADIL ABDELGANI,

MOHAMMED SALEH,
a/k/a "Mohammed Ali,"

VICTOR ALVAREZ,
a/k/a "Mohammed," and
MATARAWY MOHAMMED SAID SALEH,
a/k/a "Wahid,"

Defendants.

-----x

Before:

HON. MICHAEL B. MUKASEY,

August 14, 1995
940 a.m.

District Judge

ORIGINAL

1

2

APPEARANCES

3

4

MARY JO WHITE

United States Attorney for the
Southern District of New York

5

BY: ANDREW MCCARTHY

6

PATRICK FITZGERALD

ROBERT KHUZAMI

7

Assistant United States Attorneys

8

ARDEEN M. JABARA

9

LYNNE STEWART and

RAMSEY CLARK

10 Attorneys for Defendant Omar Ahmad Ali Abdel Rahman

11

ROGER STAVIS and

12

ANDREW PATEL

Attorneys for Defendant El Sayyid Nosair

13

14

ANTHONY RICCO

Attorney for Defendant Ibrahim A. El-Gabrownny

15

16

KENNETH D. WASSERMAN

Attorney for Defendant Clement Hampton-El

17

18

STEVEN M. BERNSTEIN

Attorney for Defendant Amir Abdelgani

19

20

VALERIE C. AMSTERDAM

Attorney for Defendant Fares Khallafalla

21

22

JOYCE E. LONDON

Attorney for Defendant Tarig Elhassan

23

24

25

1 **APPEARANCES CONTINUED**

2

3 GROSSMAN, LAVINE & RINALDO
4 Attorneys for Defendant Fadil Abdelgani
5 BY: CHARLES D. LAVINE

6

7 JOHN H. JACOBS
8 Attorney for Defendant Mohammed Saleh

9

10 BROWN, BERNE & SERRA
11 Attorneys for Defendant Victor Alvarez
12 BY: WESLEY M. SERRA

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1 {Trial resumed}

2 {In open court; jury not present}

3 MS. AMSTERDAM: Good morning, your Honor.

4 THE COURT: Good morning.

5 MS. AMSTERDAM: I would ask that at sometime
6 around the lunch break today or whenever is convenient to
7 your Honor, there are a couple of unresolved minor matters
8 that require the court's attention. One of them has to do
9 with the tape that your Honor reviewed and allowed into
10 evidence, which was an Anticev telephone conversation with
11 Emad Salem. It wasn't played for the jury at that time
12 because both Miss Stewart and Mr. Stavis had questions about
13 possible redactions. I think that the government and
14 Mr. Stavis still have unresolved issues, so before the tape
15 can be played that has to be addressed.

16 THE COURT: One of the jurors has a personal
17 matter that she needs to attend to and asked if we could
18 break at 3. Given the temperature in here, which I will
19 confide is stifling -- by the way, I am told that they are
20 trying to get it under control -- I am disposed to do that.
21 Can we deal with it then?

22 MS. AMSTERDAM: That is fine. I don't know if I
23 can deal with the heat until 3 but I certainly can deal with
24 the matter then.

25 MR. MCCARTHY: I have a copy of the transcript

1 that is marked up to highlight those matters.

2 (Jury present)

3 THE COURT: Good morning, ladies and gentlemen.
4 I am sorry for the temperature in this room, but they are
5 having difficulties with the system. I am told that
6 somebody is on the way to fix it and hopefully it will get
7 better as time goes on. In any event, we are going to break
8 today at 3, so there is a limit on how much misery we will
9 take.

10 Miss Amsterdam.

11 MS. AMSTERDAM: At this time, your Honor,
12 defendants Fares Khallafalla and Mohammed Saleh call Dr.
13 Frederic Whitehurst to the stand.
14 FREDERIC WILLIAM WHITEHURST,

15 called as a witness by the defense,
16 having been duly sworn, testified as follows:

17 THE COURT: Before you start your examination,
18 Ms. Amsterdam, may I see counsel briefly at the side.

19 (At the side bar)

20 THE COURT: I rebuke myself for starting off with
21 a side bar. Mr. McCarthy sent me a letter relating to a
22 small redaction in Whitehurst's memorandum. I had planned
23 to talk about it before we started. What it says in essence
24 is that he had raised an issue with respect to Martz in a
25 prior case, and they have redacted the sentence relating to

1 that case. Do you want to be heard?

2 MS. AMSTERDAM: No. I don't intend to go into
3 it.

4 THE COURT: I am sure you don't.

5 MS. AMSTERDAM: I presumed that it had something
6 to do with the prior case and I was aware that Mr. McCarthy
7 redacted it and I have no problem.

8 THE COURT: Fine.

9 (In open court)

10 (Continued on next page)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Whitehurst - direct

1 DIRECT EXAMINATION

2 BY MS. AMSTERDAM:

3 Q Good morning, sir. Is it Agent Whitehurst or
4 Dr. Whitehurst or both?

5 A It is both.

6 Q How are you employed, sir?

7 A I am a supervisory special agent with the Federal
8 Bureau of Investigation.

9 Q What is your specialty, sir?

10 A I presently work in the FBI laboratory. I work
11 for the materials analysis unit. My specialty at this time
12 is that I am a forensic chemist. I am in training at this
13 time.

14 Q Would you tell the jury something about your
15 educational and occupational background.

16 A Yes. I spent three years in Vietnam, attached to
17 combat units. That was a very important education for me,
18 gave me a very practical experience concerning the facts of
19 explosives and materiel on personnel. I returned from
20 Vietnam in 1972 and earned a Bachelor of Science degree in
21 1974 in chemistry from East Carolina University. I went on
22 then to Duke University, where I earned a doctorate in
23 chemistry. Then I spent a couple of years in postdoctoral
24 research as a Robert Welch fellow in chemistry.

25 In 1982, I was accepted by the FBI as an agent

Whitehurst - direct

1 trainee and I went through the training at Quantico,
2 Virginia. Upon my successful completion of that training, I
3 was assigned to FBI field offices for four years. I was
4 assigned to the Houston office, the Sacramento office and
5 the Los Angeles offices. In those offices I conducted
6 criminal investigations principally in the area of organized
7 crime investigation.

8 Q You were a case agent for four years?

9 A Yes. In 1986, I was transferred to the FBI
10 laboratory and for a little over a year I underwent
11 intensive training in the analysis of explosives, explosive
12 residues, under the tutelage of experienced examiners. That
13 training involved coming back on line as a chemist. Four
14 years in the field had left me a little bit with some memory
15 loss, if you will. But the training involved my actually
16 working cases under the tutelage of experienced examiners,
17 attendance at numerous schools, reading the literature,
18 conducting research.

19 In 1987 the FBI put me through moot courts, and
20 technical tests, if you will, oral boards, and found me
21 qualified to become an examiner in my own right. Since that
22 time I have conducted analyses in about 950 cases, looked at
23 thousands of pieces of evidence involving explosives and
24 explosive residues. I have been the teacher, the dean, if
25 you will, of the FBI's explosive school at Quantico,

Whitehurst - direct

1 Virginia.

2 Q You taught at the FBI's own explosives school?

3 A Yes, I taught at numerous schools at the FBI
4 academy at Quantico, Virginia. I hosted international
5 conferences in explosives and attended numerous conferences.
6 I have done extensive research into explosives residue
7 analysis. I have purchased, identified and purchased
8 technologies to use and developed new technologies to use in
9 the analysis of explosive and explosive residues. I have
10 coauthored two or three papers, three or four papers,
11 whatever, in explosives residue analysis.

12 I am presently training to become a paint
13 examiner, to examine paints that are found in forensic
14 evidence.

15 Q Can I interrupt you for a moment. When you say
16 that you did explosive residue analysis, in layperson's
17 terms, that means that you looked at the results of bombs or
18 other explosives?

19 A Yes, ma'am.

20 Q And you actually did the analysis from a chemical
21 point of view as to what the components of those explosives
22 were, correct?

23 A Yes, ma'am.

24 Q In February of 1993, the time of the World Trade
25 Center explosion, what was your job with the FBI?

Whitehurst - direct

1 A I was the FBI's lead explosives residue analyst
2 at that time.

3 Q How many explosive analysts were there in the
4 entire FBI?

5 A There was one more individual that had been my
6 student. He is Steve Burmeister, and Steve had just come on
7 line as qualified by the FBI to analyze explosive residues.
8 Yes, I believe he had just come on line.

9 Q You trained Mr. Burmeister?

10 A Yes, I did.

11 Q Mr. Burmeister is qualified in explosive residue
12 analysis, correct?

13 A Yes, I believe that.

14 Q And he testified, if you know, in the World Trade
15 Center case?

16 A Yes, that is correct.

17 Q And he testified, if you know, in this case?

18 A I have been told that, yes.

19 Q In February of 1993, you were Mr. Burmeister's
20 supervisor, you were his senior?

21 A I was his partner. I am senior to him in my
22 skill and my knowledge of the field but we are essentially
23 partners.

24 Q In February 1993, you became involved in the
25 investigation of the World Trade Center explosion, is that

Whitehurst - direct

1 correct?

2 A Yes, I did.

3 Q Initially, would you tell the jury what you did.

4 A Initially, I was called back to the office. I
5 was over at law school where I am attending and they called
6 me out of the library. I went back to the office, they said
7 there has been an incident at the World Trade Center, we
8 need you to go now.

9 Q When you say the office, you mean the FBI office
10 in Washington, D.C.?

11 A Yes, that is correct. My supervisor at the time,
12 James Corby, told us to take explosives detection equipment
13 to the scene and to determine, do some analysis at the
14 scene. We drove almost into New York that evening. The
15 next morning we drove to the crime scene itself. At the
16 crime scene we met with Mr. David Williams, who was running
17 the crime scene, in charge of the crime scene, had a tour of
18 the crime scene, and then determined that a New York City
19 police lab scientist had found things that he thought might
20 be significant, and so we went to the NYPD academy, to his
21 laboratory, to confer with him.

22 Q Let me interrupt you for a moment. When you say
23 the crime scene, you are talking about the site of the World
24 Trade Center explosion, correct?

25 A Yes, ma'am, that is correct.

Whitehurst - direct

1 Q And when you arrived there, you were with
2 Mr. Burmeister?

3 A Yes, ma'am, I was.

4 Q And you went the day after the explosion,
5 correct?

6 A That is correct.

7 Q And you were met by an Agent Williams, correct?

8 A Initially we had some trouble finding him but
9 eventually we did meet up with him and went to the crime
10 scene.

11 Q Did there come a time that you actually built a
12 crime scene lab on site for purposes of analyzing the
13 residue from the explosion?

14 A Yes, ma'am.

15 Q Were you in charge of building that laboratory?

16 A Yes, ma'am.

17 Q What if anything were Mr. Burmeister's
18 responsibilities in connection with examining the residue
19 from the explosion?

20 A Mr. Burmeister and I decided that I would run the
21 laboratory, keep it going, bring in the assets that we
22 needed to do the analyses rather than putting them in
23 tractor trailers and bringing them all the way to
24 Washington, D.C, and Mr. Burmeister would go to the crime
25 scene to be sure that proper samples were collected. So

Whitehurst - direct

1 Mr. Burmeister's time was spent in the dangerous environment
2 of the crime scene and mine was spent at the lab scene
3 getting the funds to buy or lease the equipment that we
4 need; also supervising the personnel that came and went from
5 that laboratory.

6 Q Were some of the items taken from the site of the
7 World Trade Center explosion actually sent to Washington,
8 D.C. for examination?

9 A Yes, they were. That was my decision.

10 Q What was the reason for sending some items to
11 wash, D.C.?

12 A We were really trying to examine the whole scene
13 rather than send many, many things, but there were items
14 that I felt needed to go directly to Washington to avoid any
15 possibility of contamination. Those items that were
16 collected, they had not been in many hands that we could say
17 with a certain degree, a reasonable degree of certainty
18 these things had not picked up a contaminant from an
19 explosive or something else, needed to go right to
20 Washington and be worked on.

21 Q Is there anyone in Washington who is qualified to
22 actually do bomb residue explosive analysis?

23 A There were people in Washington that were
24 qualified to use particular types of equipment to analyze
25 the material, but an analysis involves running an instrument

Whitehurst - direct

1 but interpreting the data in terms of your experience with
2 that particular type of discipline, and there was no one at
3 that time that was qualified to render an opinion, an expert
4 opinion, according to the FBI's protocols, in those areas.

5 Q From a layperson's point of view, would I be
6 correct that an analogy would be if one had an x-ray done,
7 the technician might actually do the x-ray but it would be
8 the doctor who would examine the x-ray and make an
9 interpretation as to what the x-ray showed?

10 A Yes, that is correct.

11 Q That would be a fair analysis?

12 A That is correct.

13 Q And the folks in Washington who were actually
14 running the instruments would be the equivalent of a
15 technician, correct?

16 A Yes, that is correct.

17 Q But the results would go to you and
18 Mr. Burmeister for you to examine the data and make
19 conclusions on it, correct?

20 A Yes, that is correct.

21 Q How long did you remain in New York City at the
22 site?

23 A I was there 10 days.

24 Q Were you still working on the -- withdrawn.

25 How long did you work on the World Trade Center

Whitehurst - direct

1 case from a chemical scientist point of view?

2 A That is hard to say. The analyses went up to and
3 including my conducting analyses even while the trial was
4 going on.

5 Q So over a year?

6 A Yes, that is correct.

7 Q Did there come a time that you became aware that
8 several individuals had been arrested in connection with the
9 bombing of the World Trade Center?

10 A Yes, there did.

11 Q Did there come a time that you became aware that
12 certain chemicals were taken from various locations that
13 were alleged to have been connected to those defendants?

14 A Yes, that is correct.

15 Q Did you become aware, for example, that there
16 were chemicals taken from a storage locker, from a Space
17 Station in Jersey City?

18 A Yes, I personally went to the storage locker.

19 Q You actually went there yourself?

20 A Yes, that is correct.

21 Q You were aware at that time when you did the
22 analysis of chemicals at the storage station that in fact
23 those chemicals were allegedly linked to the defendants who
24 had been arrested, correct?

25 A Yes, that is correct.

Whitehurst - direct

1 Q Were there also chemicals that you were aware
2 were taken from the location of 40 Pamrapo?

3 A Yes.

4 Q And you were aware, were you not, that that was a
5 at a location that had been taken from the defendants when
6 they were arrested?

7 A Yes, that were.

8 Q And similarly you learned there was residue taken
9 from a 32 Kensington Avenue?

10 MR. MCCARTHY: Objection to form. 34.

11 Q 34 Kensington Avenue?

12 A 40 Pamrapo sticks in my mind but the Kensington
13 Street, I could not tell you the address. I was aware that
14 there were residues taken from addresses. The particular
15 addresses I am not aware of.

16 Q Among the chemicals that were taken, would I be
17 correct in saying that there was nitric acid that was taken?

18 A Yes, I believe there was nitric acid.

19 Q Would I be correct in saying that there were
20 components of urea that were taken?

21 A Urea is itself a molecule, which, yes, I believe
22 was found.

23 Excuse me, counselor. I would have to refresh my
24 memory on that. I don't have notes here but I believe you
25 are correct about that.

Whitehurst - direct

1 Q And you were aware that those chemicals were
2 alleged to have been connected to the defendants who were
3 under arrest, correct?

4 A Yes, that is correct.

5 Q Could you explain to the jury in simple
6 layperson's terms what the difference is between nitrates,
7 nitric acid and nitroglycerin?

8 A Yes. There are many types of nitrate. Nitrate
9 itself is a little ion, a little molecule. It doesn't exist
10 by itself in nature. It has to be attached to something
11 else. You might have a salt of potassium nitrate. We call
12 that saltpeter, sodium nitrate or something to that effect.
13 So nitrate itself exists with many things in many forms.

14 Nitroglycerin is one thing itself. It is an
15 entity itself. It is a molecule. It has nitrate or NO_3 ,
16 nitrogen oxygen groups attached to it.

17 The other item, the other molecule you were
18 talking about or chemical you were talking about was what,
19 ma'am?

20 Q Nitric acid.

21 A Nitric acid is one of the nitrates we were
22 talking about. It has hydrogen atoms attached to a nitrogen
23 oxygen group.

24 Q Just so that I am clear, nitrates in some form
25 are very common in everyday life, correct?

Whitehurst - direct

1 A Yes, ma'am.

2 Q You mentioned the example of saltpeter. I
3 presume certain foods also have sodium nitrates in them?

4 A Ma'am, you also live in an acid rain belt here
5 and nitric acid comes out of the air on you.

6 Q In New York City?

7 A Yes. It forms out of the exhaust pipes of
8 automobiles so I would not be surprised at all to find it
9 anywhere in this city.

10 Q You indicated that it also comes out of the
11 exhaust of cars?

12 A That is what I have been led to believe, yes.

13 Q So it would be unremarkable if nitric acid was
14 found in a parking lot, correct?

15 A That is absolutely correct.

16 Q And the explosion of the World Trade Center did
17 take place in part in a parking lot of the World Trade
18 Center, correct?

19 A Yes, that is correct.

20 Q Could you do the same thing and explain as simply
21 as possible what urea is?

22 A Urea is a single molecule much like nitroglycerin
23 is. It is a combination of carbon and hydrogen and
24 nitrogen.

25 Q Is urea found in a lot of everyday things?

Whitehurst - direct

1 A It is on your hands right now. You excrete it
2 from your body. It is on your clothing right now. The City
3 of New York, we were told, uses it to melt ice on the
4 streets during the winter because it is bio-friendly, if you
5 will. We found that it is in urine, it is in bird
6 droppings, it is in sewage. It is pretty much out there.

7 Q In the World Trade Center -- as a result of the
8 World Trade Center explosion would I be correct in stating
9 that sewage pipes erupted?

10 A I was told that four 4 by 4 sewage pipes erupted
11 and there was 80 gallons of sewage at the crime scene, and
12 an ATF chemist brought me some of it, thinking it might be
13 explosive. So I actually was asked to do an analysis on
14 some of the sewage. So I am aware from what I heard and
15 what I saw that sewage mains busted and sprayed all over
16 that area.

17 Q In other words, the presence of urea at the site
18 of the explosion was unremarkable, correct?

19 A Yes, that would be my interpretation of the
20 presence of urea at that scene.

21 Q Would I be correct in saying that -- let me
22 withdraw and start over.

23 Urea by itself obviously is not dangerous,
24 correct?

25 A It is not, doesn't represent an explosive danger.

Whitehurst - direct

1 no.

2 Q And various forms that contain nitrates are in
3 and of themselves not dangerous, correct?

4 A They might cause a burn if you left them on your
5 skin for a long time but I am not a dermatologist and really
6 couldn't comment any more than that. But they are really
7 not explosive, no.

8 Q However, when you combine urea and nitrate,
9 nitric acid, you can form an explosive component, correct?

10 A Yes, that is correct.

11 Q Can you purchase urea nitrate?

12 A I tried to. I really called all over the world,
13 and nobody makes urea nitrate that I could find, except one
14 firm that I talked with out of Germany, advised me that they
15 would be willing to make -- at the time I wanted 1,500
16 pounds of it for testing and they would be willing to make
17 it but it was going to cost the government a lot of money,
18 and it is extremely simple to make, so I chose not to buy
19 it.

20 Q So I would be correct in saying that other than
21 the place in Germany that was willing to make it, there was
22 no manufacturer of urea nitrate that you were aware of in
23 this country or outside of the United States?

24 A Yes, that is correct.

25 Q Would I be correct in saying that urea nitrate is

Whitehurst - direct

1 also a very rare form of explosive?

2 A The experience of the FBI and ATF personnel that
3 were on board and those that we could reach determined that
4 there was only one other occasion that we were aware of
5 where urea nitrate had been used in the past 30 years.

6 Q In 30 years?

7 A Thirty years.

8 Q Would I be correct in saying that your --
9 withdrawn.

10 Would I be correct in saying that urea nitrate
11 had up until the time of the World Trade Center explosion
12 never been examined in the FBI laboratory?

13 A Not to my knowledge.

14 Q And I presume that there were no textbooks or
15 manuals that explained how to do an analysis of urea
16 nitrate?

17 A Not that I had.

18 Q That you were aware of?

19 A Not that I was aware of.

20 Q Urea nitrate is two substances that come together
21 to form a molecule, correct?

22 A Yes, that is correct.

23 Q Would I be correct in saying that that molecule
24 is a very, very, very rare molecule?

25 A Yes, that is correct. May I explain?

Whitehurst - direct

1 Q Sure. There is a reason.

2 A The reason it is rare is that if it sits in this
3 courtroom it decomposes. When it picks up water the nitrate
4 goes away from urea. So you end up with urea and nitrate.
5 In fact I understand that the last urea nitrate explosives
6 that were made were made by the Australians back in the
7 1960's, and it the reason it was discontinued is that it
8 decomposes very easily.

9 Q So if I had urea nitrate in this humidity, the
10 nitrate would go away very quickly?

11 A Yes.

12 Q And if you took the substance off the podium you
13 may see urea and you may see nitric acid, but it wouldn't be
14 urea nitrate because it would have broken down?

15 A Yes, that is correct.

16 Q At some point in the examination of bomb residue
17 material, did you become aware that the chemicals that were
18 actually alleged to have been associated with the defendants
19 in that case were capable of capable of producing urea
20 nitrate?

21 MR. MCCARTHY: Objection to form.

22 THE COURT: He can answer it if he understands
23 it.

24 A Yes, that is correct.

25 Q Would I be correct in saying that at some point

Whitehurst - direct

1 during your examination of the bomb residue materials and
2 the chemicals associated with the defendants, you became
3 aware that the FBI agents investigating the case had
4 developed a preliminary theory that the bomb that blew up
5 the World Trade Center was a urea nitrate bomb?

6 A Yes, that is correct.

7 Q Did there come a time when you began to
8 experience pressure from within the FBI to reach certain
9 conclusions that supported that theory of the investigation?

10 A Yes, that is correct.

11 Q In other words, you began to experience pressure
12 on you to say that the explosion was caused by a urea
13 nitrate bomb?

14 A Yes, that is correct.

15 Q And you were aware that such a finding would
16 strengthen the prosecution of the defendants who were on
17 trial, who were going on trial in that case, correct?

18 A Absolutely.

19 Q Did there come a time, sir, that you realized
20 that the technicians in Washington were actually making
21 conclusions and saying that the substances they were
22 analyzing were in fact urea nitrate?

23 A Yes, that did happen.

24 Q Did there come a time, sir, that you realized
25 that the conclusions that the technicians were making were

1 being incorporated into a report done by Agent Williams?

2 A Yes, that is correct.

3 Q And that report, you recall, was done on April
4 12, 1993?

5 A I knew it was in April. I don't know the exact
6 date.

7 Q And that report, based on what the technicians
8 were saying, stated that in fact the explosion at the Trade
9 Center was a urea nitrate explosion, correct?

10 A That is what you would infer, correct.

11 Q Would I be correct in saying that both you and
12 Agent Burmeister disagreed with the conclusions that were
13 reflected in that report?

14 A Absolutely.

15 Q Would I be correct again in saying that only you
16 and Agent Burmeister were in a position to make those
17 conclusions?

18 A That is correct.

19 Q Did you and Agent Burmeister ask that the
20 conclusions be reconsidered?

21 A Yes, we did.

22 Q Did you request to be able to analyze the raw
23 data itself?

24 A Yes, we did.

25 Q Did you find that some of the alterations in the

Whitehurst - direct

1 raw data were glaring, were very obvious?

2 A Yes.

3 MR. MCCARTHY: Objection.

4 Q Were very obvious to you as a scientist?

5 A Yes.

6 Q Once you spoke up about the errors, were they
7 immediately corrected?

8 A No, they were not.

9 Q Could you tell the jury what happened after you
10 spoke you were?

11 A When we spoke up, we ran into opposition to our
12 opinions, and we interacted with our administration,
13 continued to try to convince them that there were glaring
14 issues in the reports. We were initially unsuccessful. We
15 tried to tell them that because you find urea and nitrate
16 ions it is not necessarily consistent only with urea
17 nitrate, it is consistent with many things. We were
18 rebuffed -- I think the word is rebuffed. They just did not
19 accept our opinion. Mr. Burmeister and I made some samples
20 which we felt might have urea, might give the same signals
21 for the technology that was used as urea nitrate.

22 Q Let me interrupt you for a moment. Did you and
23 Mr. Burmeister actually threaten to expose the conclusions
24 in court?

25 A Yes.

Whitehurst - direct

1 Q Would I be correct in saying that you and
2 Mr. Burmeister were concerned as scientists about the
3 instrument that was being used by the technicians?

4 A We were not concerned about the instruments, we
5 were concerned about the conclusions being drawn from the
6 data.

7 Q And you were concerned, were you not, that other
8 substances, when tested by that instrument, could give a
9 signal which was the same signal they would give if they
10 were urea nitrate even though they were not urea nitrate?

11 A Yes, that is correct.

12 Q To whom did you raise your concerns or with whom
13 did you raise your concerns?

14 A We raised our concerns with my unit chief,
15 Mr. Williams, the unit chief of the explosive units,
16 Mr. Ronee, the section chief James Kerny, the assistant
17 section chief Al Roblart, the chemistry toxicology unit
18 chief who was one of the technicians who had done the work
19 and rendered the opinions, Mr. Roger Martz, and with
20 Mr. Lynn Laswell, the scientist who had done the analysis
21 and rendered the opinions.

22 (Continued on next page)

23

24

25

Whitehurst - direct

1 Q Would I be correct in saying that there were many
2 discussions about this issue?

3 A Yes, there were.

4 Q And would I be correct to say that there was an
5 unwillingness within the FBI to correct what you regarded as
6 errors in the conclusions?

7 MR. MCCARTHY: Objection to form.

8 THE COURT: Sustained as to form.

9 Q You stated that you prepared some samples and
10 sent them for analysis.

11 Could you tell the jury what samples you and Mr.
12 Burmeister prepared.

13 A Yes. By the time we reached the end of the
14 scientific discussions, we recognized that there were some
15 common things that might give the same answers. One of
16 those is fertilizer containing urea nitrate.

17 Mr. Burmeister went home and told me he got some
18 fertilizer, commercial-grade fertilizer and we ground it up.
19 We took an acetone extraction of that material. We put the
20 material into some acetone fluid and took a solution off the
21 top. I took a 250 ml. beaker to the men's room and urinated
22 in the beaker. I poured the urine into a watch glass, and I
23 evaporated the urine, and I put acetone on top of the urine
24 and took the solution off the top of what was left from the
25 dried urine.

Whitehurst - direct

1 We put those samples into test tubes, we labeled
2 them as if they had come from a place called 40 Pamrapo in
3 order to conceal from the technician what they really were,
4 and we gave them to him. He essentially was getting a blind
5 test. He got the same results from the analyses of those
6 two materials that he got from material he felt was urea
7 nitrate.

8 Q So I would be correct in saying that there were
9 two samples, one of fertilizer and one of dried urine, that
10 were marked as if they had come from the location of 40
11 Pamrapo which you sent for analysis, correct?

12 A That's correct.

13 Q And that that analysis indicated that both those
14 samples were urea nitrate?

15 A It indicated that the data from the analyses of
16 those materials was -- it was the same data that you would
17 get from analyzing a known urea nitrate.

18 Q What, if anything, did Agent Martz say regarding
19 those samples?

20 A Mr. Martz indicated that I had salted the sample,
21 put urea nitrate in my own urine and essentially ignored the
22 data.

23 Q Let me back up for a moment. Before Mr. Martz
24 realized that these were blind samples, when he got the
25 results, did he not say, "These results are blowing my

Whitehurst - direct

1 machine away"?

2 A Yes, that's correct.

3 Q Indicating that he had found from these samples
4 that were supposed to have come from 40 Pamrapo, he was
5 saying that the results were highly indicative of urea
6 nitrate?

7 A If you look at his total argument, that's what he
8 was saying.

9 Q I assume there came a time that you "fessed" up?

10 A We took the issue immediately to our assistant
11 section chief, Al Roblart. Mr. Burmeister and I realized it
12 would be a very uncomfortable position to put Mr. Roblart
13 in, but we felt it was important he recognize the
14 significance of the data was not what was being reported,
15 and we took it to Mr. Roblart.

16 Q I assume they were not initially pleased with
17 with your actions.

18 MR. MCCARTHY: Objection.

19 Q What was their reaction?

20 THE COURT: I will allow it. Go ahead.

21 Q The individuals that you spoke to, what was their
22 reaction?

23 A Mr. Roblart became extremely loud and extremely
24 angry at Mr. Burmeister. He advised us that he would now
25 have to embarrass his chemistry toxicology unit chief and

Whitehurst - direct

1 that we were never, ever again to do something like that to
2 him. I might add, though, that two hours later, going down
3 the hall, he gave me a thumbs up sign and he said, "Fred,
4 that is this is what we hired you for."

5 Q Would I be correct in saying that there continued
6 to be a struggle over your reports that continued throughout
7 1993?

8 A That's correct.

9 Q And that your immediate supervisor was supportive
10 of your written reports, correct?

11 A That's correct.

12 Q And that he wanted your reports incorporated
13 verbatim, word for word, into the final report, correct?

14 A That is the normal procedure in the FBI
15 laboratory.

16 Q The normal procedure is that you would write a
17 report and it would be reviewed by your supervisor?

18 A By my unit chief, that's correct.

19 Q But it would be reviewed for things like
20 grammatical errors, spelling errors?

21 A We are a scientific community and Mr. Corby has
22 30 years of experience. He represents a very valid
23 scientific peer review. We go to him for counsel. He is
24 the most senior individual. He reads the reports for
25 grammatical errors. He also reads them for correctness.

Whitehurst - direct

1 for, "Are you sure you can really say that?" -- for those
2 kinds of things.

3 He will bring us in on occasion and ask, "Do you
4 think you can go this far with this data?" His reviews are
5 very picky.

6 Q Now, Mr. Corby, however, stood by your written
7 reports, correct?

8 A That's correct.

9 Q There came a time, however, that Mr. Corby told
10 you that he had been instructed by people senior to him that
11 you were going to have to change your reports, correct?

12 A Mr. Corby had me come into his room one day and
13 told me that they -- I don't know who "they" were, that they
14 want me to take statements out of my report, and he showed
15 me the statements they wanted me to take out of my report,
16 and they were marked, highlighted with yellow highlighter.

17 Q Would I be correct in stating that the changes to
18 your report were changes that would have strengthened the
19 theory of prosecution and hidden alternative theories of
20 innocence?

21 MR. McCARTHY: Objection to form.

22 THE COURT: Sustained.

23 Q Would I be correct in stating that during that
24 period of time every one of your reports was either changed
25 outright by higher-ups to support a theory of guilt -- would

Whitehurst - direct

1 that be correct, that was one of the things that was done?

2 A Not every one of them.

3 Q Some of your reports?

4 A I was at times left with that impression. There
5 was a great deal of pressure put upon me to bias my
6 interpretation of the data.

7 Q In support of a theory of guilt, correct?

8 A In support of the theory of the presence of urea
9 nitrate and other things that would have supported a theory
10 of guilt, yes.

11 Q There came a time, did there not, that you wrote
12 a memo to the section chief, John Hicks, asking to be
13 advised as to the FBI's policy regarding concealment of
14 evidence from the court, correct?

15 A Yes.

16 MR. McCARTHY: Objection.

17 THE COURT: Overruled. Did you write such a
18 memo?

19 Q Your answer is yes?

20 A Yes, I did.

21 Q Would I be correct in stating that many of your
22 reports were returned to you with suggestions that slanted
23 the conclusions against the defendants in the World Trade
24 Center case?

25 MR. McCARTHY: Objection. Form only. I don't

Whitehurst - direct

1 object to the --

2 THE COURT: Overruled.

3 A That was the reason I wrote the memo requesting
4 that Mr. Hicks clarify our position on biasing reports. I
5 wanted to know if by not biasing my reports I was breaking
6 any federal law or FBI regulation. It was such a strong
7 pressure I thought, maybe I'm wrong about this. Maybe
8 there's a reason that I am supposed to bias my reports. I
9 didn't know what it was. That memo I never received an
10 answer from.

11 Q The pressure that you felt was from members of
12 the FBI, agents within the FBI?

13 A That's correct.

14 Q Would I be correct in saying that you were
15 criticized openly for the wording of your reports and told
16 that your reports could hurt the prosecution's case?

17 A That's correct.

18 Q Did there come a time, sir, when you were
19 actually physically confronted by a field agent by the name
20 of Don Haldimann?

21 A That's correct.

22 Q And this person was not a scientist, correct?

23 A He told me he wasn't.

24 Q He was a case agent attached in some form to the
25 bomb squad?

Whitehurst - direct

1 A I understood that he was the chief bomb
2 technician in New York. I don't know what his position was
3 actually.

4 Q Where did this meeting take place, sir?

5 A It was at a Christmas party in the explosive unit
6 area of the FBI laboratory.

7 Q What did he say to you?

8 A He had concern about the wording of my reports
9 and what he referred to as glitz, that is G-L-I-T-Z, and
10 that my inclusion of all of these qualifying statements
11 would cause a problem for the prosecutorial team and that it
12 didn't matter anyhow because the prosecutors were going to
13 circumvent my testimony by finding another expert to testify
14 in the manner that they wanted.

15 Q Just so I am clear, sir, you never had any
16 conversations with any of the prosecutors -- withdrawn.

17 At that point, at that Christmas meeting, none of
18 the actual prosecutors in the World Trade Center case were
19 present, correct?

20 A That's correct.

21 Q And you subsequently did meet them, correct?

22 A That's correct.

23 Q Would I be correct in saying that you felt no
24 pressure from the lawyers on the prosecution team?

25 A No pressure whatsoever.

Whitehurst - direct

1 Q But the statements by Mr. Haldimann you felt were
2 a pressure upon you to conform your results and to not hurt
3 the prosecution, correct?

4 A I knew they were a pressure on me.

5 Q As a result of that confrontation with Agent
6 Haldimann, you wrote two memos, did you not, to a Dan
7 Strohl?

8 A Correct.

9 Q S-T-R-O-H-L?

10 A That's correct.

11 Q Who is Mr. Strohl or Agent Strohl?

12 A He is an auditor with the Inspector General's
13 office at the Department of Justice that had come to the
14 laboratory to investigate allegations, among other things,
15 that I had made previously about these matters.

16 Q The memos that you wrote -- withdrawn.

17 You wrote two memos that were dated December 19,
18 1993, correct?

19 A I wrote two memos. I don't know the exact date.

20 Q Would I be correct in stating that you wrote in
21 your memo --

22 MR. McCARTHY: Objection.

23 Q Would I be correct in stating --

24 MR. McCARTHY: Objection. Relevance. He hasn't
25 been impeached.

Whitehurst - direct

1 MS. AMSTERDAM: I will rephrase.

2 THE COURT: All right.

3 Q Would I be correct in stating that you had been
4 told within the Bureau not to give the defense anything that
5 could be used against the prosecution?

6 MR. MCCARTHY: Objection to form.

7 THE COURT: Overruled.

8 MR. MCCARTHY: "Within the Bureau." I have no
9 objection to the area.

10 THE COURT: You can clarify it in cross,
11 overruled.

12 Q Would that be a correct statement?

13 A Yes. That's correct.

14 Q You were told specifically to leave out
15 alternative theories, correct?

16 A Yes, that's correct.

17 Q You were also told, were you not, that it didn't
18 matter what you said because jurors couldn't understand that
19 stuff anyway?

20 A That's correct. Yes.

21 Q And you were also told to maximize the numbers of
22 names of equipment and the numbers of chemicals so as to add
23 a glitz to your reports that would impress and confuse the
24 jury?

25 A That's incorrect.

Whitehurst - direct

1 Q That's incorrect?

2 A That's incorrect.

3 Q Was there a time, sir, that there was actually an
4 argument regarding the listing of instrumentation in one of
5 Mr. Burmeister's reports?

6 A The argument was over a listing of
7 instrumentation in my report.

8 Q Would you explain to the jury what that argument
9 was about.

10 A Yes. When I write a report, I want the court and
11 you, as jurors, to know, first of all, what kind of
12 technology I used, what findings that technology gave me,
13 and an interpretation of that data that is mine.

14 There are individuals in our laboratory who
15 choose to just give you one-liners and let you sink or swim
16 trying to figure out where the information came from. I
17 don't choose to make my reports that way. I had conferred
18 with my unit chief, we had come up with an agreed-upon
19 format for my reports. I had been using it for a number of
20 years. I found that Mr. Williams disagreed with my format
21 and rewrote my reports in an unauthorized rewriting, issued
22 those reports, unauthorized, changes being in them, and
23 changed the meaning of the reports, I think, without
24 realizing it.

25 I may use three types of instruments to do one

Whitehurst - direct

1 piece of evidence and four to do another. But I did not use
2 four to use -- to analyze both pieces of evidence. It is
3 important when one looks at my scientific presentation, if
4 you will, that you understand specifically what I did in my
5 opinion. Mr. Williams, who is not, in my opinion, a
6 scientist, arbitrarily decided he didn't like my
7 presentation, despite the fact that it had been approved by
8 my unit chief, which is the final level of approval in the
9 FBI, and changed it on his own.

10 Q So, correct me if I am wrong, if you analyzed one
11 piece of evidence and used two types of machines, and then
12 you analyzed a second piece of evidence and used two
13 separate type of machines, Mr. Williams' report reflected
14 that both samples were analyzed by all four machines, which
15 was incorrect?

16 A That's correct.

17 Q Were you told that that should be done so as to
18 add "glitz" to your report?

19 A No. I was actually told -- may I explain the
20 "glitz" comment?

21 Q Sure.

22 A I was actually told by Mr. Haldimann that it was
23 not needed. It was just glitz. It was just -- well, that's
24 what he called it. He actually -- his pressure upon me was
25 to take all of that out. Members of the explosive unit had

Whitehurst - direct

1 disapproved of that report format for a long time. Their
2 concern was that, as they expressed to me, I would be here
3 in the witness stand and opposing counsel would have an
4 expert witness who would then be able to better attack me,
5 knowing what I had done.

6 I have no concern about opposing counsel,
7 whatever that is, knowing what I have done. And I would
8 hope that if I did it incorrectly, they would determine that
9 I had done it incorrectly and Mr. Corby, my unit chief, was
10 very supportive of that position, and that's why the reports
11 went out of that final level of review without being
12 altered.

13 Q But there were people within the Bureau who made
14 it known to you that they were not supportive of that
15 position, correct?

16 A That's correct.

17 Q In your memo to Dan Strohl, you went on record as
18 stating that you could not definitely state that the World
19 Trade Center explosion was caused by urea nitrate bomb,
20 correct?

21 MR. MCCARTHY: Objection.

22 THE COURT: Sustained.

23 Q As a result of the memos that you wrote and the
24 blind test that you submitted, the reports themselves were
25 ultimately corrected, correct?

Whitehurst - direct

1 A That's correct.

2 Q Did you testify in the World Trade Center case?

3 A No, I did not.

4 Q And was your move from bomb analysis residue to
5 paint analysis voluntary?

6 A No, it was not. I was relieved of duty.

7 MS. AMSTERDAM: Thank you, sir.

8 THE COURT: Mr. Jacobs?

9 MR. JACOBS: I'm sorry, your Honor?

10 THE COURT: Do you want to examine?

11 MR. JACOBS: No. No questions.

12 THE COURT: Any other defense counsel?

13 Mr. McCarthy?

14 MR. MCCARTHY: Thank you, your Honor.

15 CROSS-EXAMINATION

SECTION C: WORLD TRADE CENTER BOMBING

I. Introduction

On February 26, 1993, an explosion occurred at the World Trade Center, in New York City, New York, resulting in six deaths, numerous injuries, and substantial property damage. An investigation was undertaken by the FBI, as lead agency, with the assistance of other agencies including the ATF and the New York City Police Department. Several defendants were indicted, tried, and convicted in a case dealing primarily with the Trade Center bombing--United States v. Salameh, which was tried from September 1993 to March 1994 in the Southern District of New York. A broader case, which included evidence of the Trade Center bombing (United States v. Omar Ahmed Ali Abdel Rahman a/k/a Sheik Omar), was tried in 1995 in the Southern District of New York, resulting in the conviction of the defendants.

Prior to the Salameh trial, Whitehurst complained about several matters, all of which were resolved to his satisfaction prior to trial. On January 8, 1996, Whitehurst submitted to the OIG an 80-page critique of the Salameh testimony of SSA David Williams, an examiner in the Explosives Unit. Whitehurst covered a multitude of topics and concluded that Williams misrepresented the truth, testified outside his area of expertise, and presented testimony biased in favor of guilt.

To investigate Whitehurst's allegations, we interviewed Whitehurst, Williams, EU Chief J. Thomas Thurman, Special Agent Steven Burmeister (an examiner who worked on the case), former MAU Chief James Corby, CTU Chief Roger Martz, other examiners and employees at the FBI Laboratory, a chemist at the Eglin Air Force Base, persons who allegedly discussed the case with Williams prior to the Salameh trial, other FBI and ATF personnel (some of whom worked at the scene of the blast), and other persons associated with the case. The interviews of Whitehurst, Williams, Thurman, and Martz were sworn and transcribed. Additionally, we considered relevant trial transcripts, pertinent FBI documents, and applicable literature in the field of explosives.

As explained below, we conclude that in the Salameh trial Williams gave inaccurate and incomplete testimony and testified to invalid opinions that appear tailored to the most incriminating result. Regarding most of Whitehurst's many other allegations, we either find them meritless or conclude that any error was insignificant. We first address the allegations relating to Williams' Salameh testimony (Section II), then the pre-trial issues (Section III), followed by our conclusion (Section IV).

II. Testimony of SSA David Williams in the Salameh Trial

David Williams testified at length on direct examination in the Salameh case regarding several areas, including the following: his manufacture of urea nitrate pursuant to formulas found in manuals seized in the case; his calculation of the amount of urea nitrate that could have been produced based on certain chemical purchases; and the possible explosives used at the bombing and their weight, based on the damage at the scene. On cross-examination Williams elaborated on some of these subjects and opined specifically that the main explosive used in the bombing was urea nitrate. The principal allegations relate to these areas of Williams' testimony. We address first the FBI's manufacture of urea nitrate (Section A), then Williams' opinions on defendants' capacity to make urea nitrate and on the explosive used in the bombing (Section B), then Williams' testimony regarding an attempt to modify Whitehurst's dictation (Section C), and finally the other allegations concerning Williams' testimony (Section D).

A. FBI's Manufacture of Urea Nitrate

Whitehurst asserts that Williams falsely testified that Williams manufactured urea nitrate pursuant to formulas in certain blue manuals that were seized in the case and were linked to the defendants. Whitehurst maintains that Williams in fact did not manufacture any urea nitrate and that the explosive was made by other Laboratory personnel who did not use the formulas in the manuals. First we will summarize Williams' testimony; then we will present the facts found in our investigation and our analysis of the issues.

1. Williams' Testimony

Williams testified that he had experience in manufacturing or putting together urea nitrate. He further testified that in manufacturing the urea nitrate I actually used two formulas that were removed from one of the blue manuals. (The blue manuals were manuals in Arabic and English for home-made bomb-making.) Williams further testified that the formula recommends that you mix the urea to the nitric acid in a one-to-one range; . . .[i]t suggests that you mix by amount 60 parts of urea to 63 parts nitric acid. He further testified, When I made a large quantity of urea nitrate in the large plastic tubs, it was very heavy. On both direct and cross examination, Williams used both the first person, singular pronoun I and the first person, plural pronoun we to describe who made the urea nitrate.

On cross-examination he testified:

Q. You reproduced an explosion using the same chemicals and the formulas that was in the book?

A. Yes, I did.

Q. When did you do that?

A. In the early part of the spring and summer, we started by making small batches of urea nitrate. And then in August, I made approximately 1,300 pounds of urea nitrate in Florida.

When asked whether he concocted a bomb with some of the urea seized in the searches, Williams responded: I did. In the early tests in the summer, I used some of the urea from Mallory [the location of one of the searches] and made small one-pound bombs of urea nitrate and detonated it.

Williams further testified to the production of urea nitrate at the Eglin Air Force Base in Florida in August 1993. When asked why he used an outdoor laboratory there, he stated, I didn't want to have any of the fumes

bother myself or any of my workers. Williams testified that we started with smaller batches of 20 pounds of urea and 20 pounds of nitric acid. On cross-examination, Williams listed the persons who worked on the project with him including Whitehurst, Steven Burmeister, agents from the Jacksonville office of the FBI, technicians in the Explosives Unit, and personnel from the Air Force Base. He then testified:

Q. Okay. Anyone else you can remember?

A. I believe they were all that were immediately involved in the mixing process.

Q. Okay. And of course you were involved as well?

A. That's correct.

Q. You were supervising this?

A. That's correct.

Williams further testified:

The first batch of urea nitrate that I made I relied on instructions. After making it one time, you didn't need instructions any longer. . . . The first bit of instructions came out of the blue manuals that I saw the other day.

Williams testified that he used two formulas from the blue books to make the urea nitrate. The first (G.Ex. 2781, p.172) was in Arabic and English. The second formula (G.Ex. 2783T, p.2) was entirely in Arabic.

2. Facts

Personnel in the FBI Laboratory made several batches of urea nitrate prior to the Salameh trial. Several small batches were made in the spring and summer of 1993, and approximately 1200 pounds were made at Eglin Air Force Base in August 1993.

a. Early Batches

The first two batches were made in test tubes by Chemist James Molnar on March 8 and 9, 1993. He followed the procedures set forth in Davis, The Chemistry of Powder & Explosives 372-73 (1943) (Davis book). For the second batch, he calculated a synthesis yield of 97%. He wrote up his findings.

The next batch was made by Chemist Mary Tungol. She also followed the procedures set forth in the Davis book. She also prepared a formula for the synthesis of urea nitrate in a four or five gallon quantity. In summary, she calculated the amount of water (2 gallons), urea (20 pounds), and nitric acid (8.7 liters) needed to produce a theoretical (100%) yield of 42.5 pounds of urea nitrate. Tungol made smaller batches (5 to 10 pounds of urea nitrate) using a percentage of the quantities in the formula. These batches were taken to the FBI range at Quantico, Virginia, and detonated.

Another batch was prepared by Whitehurst and Burmeister at Quantico pursuant to the Tungol formula. It would not detonate because it had not been properly dried.

b. Eglin

In August 1993, Williams, Whitehurst, Burmeister, and other FBI personnel manufactured approximately 1200 pounds of urea nitrate at the Eglin Air Force Base in Florida. Williams and Whitehurst jointly decided to undertake this project, and both helped set it up, including the acquisition of the necessary personnel, equipment, and materials. The mixing occurred outdoors. Reagent grade (99% pure) or technical grade (about 97%) urea and reagent grade (70.4%) or technical grade (67%) nitric acid were used, as well as distilled water. Whitehurst and Burmeister did the mixing in plastic trash cans surrounded by ice water to cool the solution. Although the evidence is conflicting, the recipe they followed was apparently based on the one developed by Tungol. First, the

urea was weighed and dissolved in the distilled water. Then the nitric acid was put in. Several batches were mixed at the same time. Whitehurst and Burmeister wore protective clothing during the mixing. After a precipitate (the urea nitrate) formed, the liquid was filtered through a funnel. The urea nitrate was then put on drying trays, which were put in drying ovens provided by Eglin. The urea nitrate was allowed to dry overnight. Personnel from Eglin then weighed and bagged the urea nitrate. It took about three or four days to produce the 1200 pounds of urea nitrate.

3. Analysis

We conclude that the basic point of Williams' testimony--that Williams personally manufactured urea nitrate pursuant to formulas found in the blue manuals--was inaccurate in two respects. First, no one in the FBI used the formulas from the blue manuals to manufacture urea nitrate. Second, Williams' role in the manufacture of the urea nitrate by the FBI was much more limited than his testimony described. We reach these conclusions for the following reasons.

a. Use of Formula

In his testimony Williams indicated that he personally took the formulas from the blue books, followed them, and was able to produce the explosive urea nitrate. Neither Williams nor anyone else in the FBI actually did this. The first (test tube) batch, by Molnar, was made pursuant to the information in the Davis book. From then on, the Tungol formula (also based on the Davis book) was used. All of the formulas (Molnar's, Tungol's, and the Arabic) used the same essential ingredients (urea and nitric acid). The weights and concentrations in the FBI's formulas, however, were different from the weights and concentrations in both of the Arabic formulas referred to in Williams' testimony.

The first formula from the blue books (G.Ex. 2781) sets out the chemical equation for the reaction and states that urea and diluted nitric acid (34%) should be mixed. The formula does not prescribe dissolving the urea in water before adding the diluted nitric acid (34%). Williams testified that the numbers 60 and 63 on the exhibit meant that the formula suggests that you mix by amount 60 parts of urea to 63 parts nitric acid. The numbers 60 and 63 are the molecular weights of urea and

nitric acid and were noted underneath the chemical equation. A 60 to 63 ratio by weight is theoretically the correct ratio for the reaction, but only if both substances are in the same concentration. Here, the manual prescribes that the nitric acid be diluted to 34%, which would require a ratio of 60 parts urea to about 189 parts nitric acid (63 divided by .34) if the urea was 100% pure, or some other ratio if the urea was less pure.

The second formula (G.Ex.2783T) is closer to, but is not exactly, what the FBI followed. This formula indicates that 200 grams of urea should be dissolved in water, and then 200 grams of diluted nitric acid should be put in. No mention is made of reagent or technical grade products or distilled water. The manual's translated discussion of how to dilute nitric acid is difficult to understand. In a 1997 interview Burmeister told us he construes the discussion to mean that the nitric acid should be diluted to 35% purity. Thus, the weights and concentrations of G.Ex.2783 differed from those in the formulas used by the FBI, and, as explained in note 41, infra, it is unclear whether G.Ex. 2783 could effectively produce urea nitrate. In any event, prior to the Salameh trial no one in the FBI attempted to decipher the dilution procedure and actually dilute nitric acid pursuant to it; nor did anyone in the FBI otherwise attempt to make urea nitrate pursuant to this formula.

In his OIG interview Williams did not say that he or anyone else in the FBI actually manufactured urea nitrate by literally following the formulas in the manuals. Despite Williams' trial testimony that the early (pre-Eglin) batches were made using the formulas in the manuals, he testified in the OIG interview that he did not know what formulas were used in the only two pre-Eglin batches he was aware of.

As for Eglin, Williams testified at the interview as follows: He did not see the written formula Whitehurst and the other members of the team were following and did not know whether it was the formula from the manuals. However, based on Whitehurst's verbal instruction to the team, Williams thought that the formula from the manuals appeared to be the formula that we were also using. Williams further testified that on the first day of mixing at Eglin he received a fax of one of the translated Arabic formulas; he showed it to Whitehurst and the Eglin chemists and asked how it compared to what they were doing; and they said it was the same.

Whitehurst, Burmeister, and the Eglin chemist at the scene of the mixing (Paul Bolduc) told the OIG that they could not recall telling Williams that a

formula in the fax was the same as the formula the FBI was using at Eglin. Two bomb technicians present at Eglin, however, recall the conversation. FBI Comments at 10.

After Williams' OIG interview, we obtained a copy of the fax Williams received at Eglin. The fax includes two Arabic formulas and their translations. The first formula (First Fax Formula) is one of the two formulas Williams testified in Salameh he used to make urea nitrate and became G.Ex. 2781. The second formula in the fax (Second Fax Formula) is different from the two Arabic formulas Williams testified he relied on to make the urea nitrate.

As noted above, the First Fax Formula (G.Ex. 2781) differs from the formula used at Eglin in that the fax formula fails to prescribe that the urea should be dissolved in water prior to the addition of the nitric acid and further states that the nitric acid itself should be diluted to a 34% concentration. As indicated above, at Eglin the urea was first dissolved in distilled water, and then reagent grade (70.4%) or technical grade (67%) nitric acid was added. The fax formula, moreover, is essentially a chemical equation with molecular weights. It does not include a specific amount of 34% nitric acid to be added to a specific amount of urea.

The Second Fax Formula is quite different from the Eglin formula. The Second Fax Formula uses human or animal urine as an ingredient. The formula sets forth a procedure for evaporating and filtering the urine; then 90% nitric acid is added to the urine filtrate at a ratio by volume of one part acid to three parts urine.

Thus, the fax formulas were different from the formula the FBI used to manufacture urea nitrate at Eglin, and no one in the FBI at Eglin attempted to manufacture urea nitrate from the fax formulas.

Because he was not a chemist, Williams lacked the expertise to determine on his own whether a fax formula was the same as the formula Whitehurst was following. When Williams testified at the OIG interview that the formulas seemed to be the same because both used a 60 to 63 ratio by weight of urea to nitric acid, it is clear he did not understand that the ratio of the weights must take into account the concentrations of the ingredients. Because the concentrations of the ingredients at Eglin were different from the concentrations in the Arabic formula, the ratios of

weights would have to be different as well. Additionally, the formulas were different with respect to the form of the urea (solid versus water solution) and the absence in the Arabic formula of specific amounts (in pounds or liters) for the ingredients.

As we have noted, the Eglin and fax formulas utilized the same basic ingredients but were different as to the weights, concentrations, and the form of the urea. Nevertheless, Williams and the bomb technicians maintain that Williams was told by a chemist that the Eglin formula and the Arabic formula were the same. In his trial testimony Williams should have made the source of his information clear. Instead of testifying that I made the urea nitrate at Eglin and in the pre-Eglin batches pursuant to the Arabic formula, he should have said that he had no personal knowledge of what formulas were used, that comparing chemical formulas is a matter beyond his expertise, but that, when Williams asked, a chemist told him that the Arabic and Eglin formulas were the same.

We conclude that Williams' trial testimony that the formulas from the manuals were the source from which the FBI manufactured urea nitrate was incorrect. The source of the formulas used by the FBI was the Davis book. Moreover, Williams told us that he did not know or did not have a clue as to what formulas were used before Eglin and that he had no idea as to the source of the Eglin formula. Williams' testimony concerning the use of the Arabic formulas was seriously flawed.

b. Williams' Role

Williams also gave inaccurate testimony about his role in the FBI's manufacture of urea nitrate. Regarding the batches before Eglin, he had no role other than attempting to dry some of the product and was not even aware of all the batches. Thus, his testimony that I made the early batches of urea nitrate was apparently false. Williams responded at the OIG interview:

Well, in a lot of this testimony, when you see me saying, Yes, I did, I'm the FBI Explosives Unit and laboratory representative; so I'm using that term I as the laboratory. So when I say, Yes, I did, that meant the laboratory.

Williams acknowledged that [p]erhaps they were a bad choice of words. We are troubled by the choice of words. Williams' testimony that I performed some Laboratory procedure implied that he was in a position to know something about that procedure--when in fact he was not. Thus, instead of saying I made the pre-Eglin batches of urea nitrate pursuant to the Arabic formulas, Williams should have testified to the truth--that he was not involved in those batches and did not know what formulas were used.

As for Eglin, Williams' testimony on direct that I made approximately 1300 pounds of urea nitrate in Florida, and his testimony on cross that he supervis[ed] the mixing process, was inaccurate.

According to Williams' OIG interview, the decision to manufacture the large quantity of urea nitrate in Florida, and the planning for the project, were jointly undertaken by him and Whitehurst, but Whitehurst decided how to make the explosive and what formula to use. Special Agent Burmeister stated in his OIG interview:

It was a team effort. Everybody had their own function, but the responsibilities were on certain individuals to do certain things. The logistics on getting personnel out to the scene and buckets, and stuff like that, that was in Dave's [Williams'] court.

The mixing and knowing how much to mix, that was in Fred [Whitehurst] and myself, that was our responsibility, to mix and prepare this stuff. And we were brought down there to prepare this material, period. . . . [I]t was our [Whitehurst's and Burmeister's] responsibility to control and organize the actual manufacturing of this material

[Question by OIG:] Would you say that, in a sense, Dave Williams was supervising the FBI people there [at Eglin]?

AGENT BURMEISTER: No. I don't think, I don't think he was supervising. It wasn't that Dave would tell us -- would come over and say, I think you're adding too much nitric acid. No, no, Dave wasn't doing that.

If Dave was supervising, Dave was supervising the fact of telling the guys from Eglin, you know, we're going to be here tomorrow at 9:00, telling the bomb techs from the FBI office, I want you guys to be down here at a certain hour.

That kind of logistics, yes, he was supervising that. But when it came to the people mixing and preparing, he wasn't supervising that activity.

OIG: . . . At any time did he [Williams] tell you or Fred how much of a certain chemical to use?

AGENT BURMEISTER: No, never. . . . I know that because he wasn't involved in the mixing process. Dave would not know how much to add, if we didn't tell him how much to add. He could not derive that just on the site.

In his OIG interview, Paul Bolduc, the Eglin Air Force Base chemist present for the mixing operation, characterized Williams' role in the mixing process as that of a gofer.

We find that Williams' role in the mixing operation was to provide manual assistance under the direction of Whitehurst and Burmeister.

Accordingly, we conclude that Williams' trial testimony on direct examination that I made the urea nitrate at Eglin, and his testimony on cross-examination that he supervis[ed] the mixing process, was incorrect. The reference in his trial testimony to the other FBI personnel at Eglin as my workers could be interpreted to manifest an intent to downplay the role of the others and to aggrandize his own. Williams' exaggeration of his role erroneously suggested that Williams was an expert in the manufacture of urea nitrate, that he was in a position to know how the FBI made its urea nitrate, and that therefore he could say authoritatively that it was manufactured pursuant to the formulas in the blue books. Williams' flawed testimony about the manufacture of urea nitrate was the first of numerous errors he committed in the Salameh trial.

B. Williams' Opinions on Defendants' Capacity to Manufacture Urea Nitrate and on the Explosive Used in the Bombing

An important part of Williams' Salameh testimony consisted of his opinions concerning (1) the capability of the defendants to manufacture urea nitrate and (2) the main explosive (main charge) used in the World Trade Center bombing. We conclude that Williams' testimony about these subjects was deeply flawed.

As noted above, urea nitrate is made by combining urea with nitric acid. Regarding the defendants' capacity to make urea nitrate, Williams subtracted the amounts of urea and nitric acid recovered in the searches from the amounts the defendants ordered from chemical companies. From the amounts of urea and nitric acid missing, he calculated that the defendants could have produced approximately 1200 pounds of urea nitrate.

Williams then rendered opinions concerning the main explosive used in the World Trade Center bombing. On direct examination, based on the damage at the scene, he opined that the main charge consisted of about 1200 pounds of a category of explosives that included urea nitrate. On cross-examination, he went further and rendered a specific opinion that the bulk of the main charge was urea nitrate.

Taken together, the opinions concerning the defendants' capacity to make urea nitrate, and the likelihood that urea nitrate was used in the bombing, were incriminating in view of the uniqueness of the criminal use of urea nitrate. Williams testified that his research revealed only one prior use of urea nitrate as an improvised explosive charge--in a pipe bomb in 1988. If such an unusual explosive was indeed used at the World Trade Center, the defendants' link to a bomb factory and storage facility capable of making the precise amount of urea nitrate allegedly used at the Trade Center would substantially contribute to the proof of guilt.

Williams' opinions were important for another reason. Normally, the way a crime laboratory determines the main charge of an exploded bomb is by finding unconsumed particles or distinctive byproducts of the explosive among the residue. The search for such particles is made by a forensic chemist. In the FBI at the time of the World Trade Center case,

the chemists specializing in the examination of explosives residue were Whitehurst and Burmeister, who were assigned to the MAU. One problem for the prosecution in the World Trade Center case was that the MAU chemists did not find any residue identifying the explosive. Thus, the normal way of scientifically determining the main charge was unavailable. Williams' purported identification of the explosive filled that void.

1. Defendants

' Capacity to Make 1200 Pounds of Urea Nitrate

a. The Science

Williams calculated the amount of urea nitrate the defendants could have produced from the amounts of urea and nitric acid that were missing-- i.e., from the amounts ordered minus the amounts recovered in searches of premises associated with the defendants. To make such a calculation, the area of chemistry known as stoichiometry must be applied.

Stoichiometry concerns molecular weight relationships in chemical reactions. In this instance, the chemical reaction was: one molecule of urea plus one molecule of nitric acid produces one molecule of urea nitrate. As previously noted, each of these molecules has a different mass or weight. The molecular weight of urea is 60; that of nitric acid is 63; and that of urea nitrate is 123. Thus theoretically (100% yield), 60 grams of urea plus 63 grams of nitric acid produces 123 grams of urea nitrate. For every 60 grams of urea, 63 grams of nitric acid is required. (Similarly, for every 60 pounds of urea, 63 pounds of nitric acid is needed.)

Determining the potential amount of urea nitrate that could have been produced requires a determination, first, of the limiting reagent because it is the chemical that will run out first. For example, with only 63 grams of nitric acid, one could only produce 123 grams of urea nitrate even with an unlimited amount of urea. In this example, the nitric acid would be the limiting reagent.

Once the limiting reagent is determined, the potential amount of urea nitrate can be determined with a simple calculation: If urea was the limiting reagent, for every 60 grams (60 pounds) of urea that was missing, the perpetrators potentially could have produced 123 grams

(123 pounds) of urea nitrate. If nitric acid was the limiting reagent, for every 63 grams (63 pounds) of nitric acid that was missing, the perpetrators potentially could have produced 123 grams (123 pounds) of urea nitrate.

One additional factor must be taken into consideration: the purity of the components. The calculations above assumed that the components were 100% pure. If, for example, the urea was only 50% pure, you would need twice as many grams (or pounds) of urea as indicated above: 120 grams (or 120 pounds) would be needed for every 63 grams (63 pounds) of 100% pure nitric acid. Similarly, if both components were less than 100% pure, appropriate adjustments would have to be made.

b. Factual Background: Jourdan's Calculations

On March 7 or 8, 1993, Williams provided a list of the missing components to a forensic chemist in the CTU (Thomas Jourdan) and asked him to calculate the potential amount of urea nitrate that could have been produced. Jourdan made the calculations and reported back to Williams, Agent Richard Hahn, and possibly EU Chief J. Christopher Ronay. It appeared to Jourdan that they did not understand his explanation of how nitric acid was the limiting reagent, so Jourdan prepared a memorandum explaining his calculations and gave it to Ronay and Williams and probably to Hahn.

Based on the figures Jourdan had, he determined that the nitric acid was the limiting reagent, and determined that the upper limit was the production of 1821 pounds of urea nitrate. Jourdan used a 97% yield instead of 100% because a staff member (this was James Molnar, see p.85, supra) had achieved such a yield in the Laboratory. Jourdan also noted that [r]ecovered empty bottles of HNO₃ [nitric acid] indicated usage of about equal portions of 70.4% (reagent grade) nitric acid and 67% (technical grade) nitric acid. He defined limiting reagent as stoichiometrically you run out of it first, and stated that ordinarily, urea is the limiting reagent to make sure the urea nitrate is not adulterated with unreacted urea, which would inhibit the explosive's effectiveness.

At the time Williams testified at the Salameh trial, his figures regarding the missing components were different (presumably updated) from the ones given to Jourdan. At the time of the trial it was determined that 1200

pounds of urea and 1694 pounds of nitric acid were missing. See G.Ex. 862. Using these figures and Jourdan's basic methodology, a proper stoichiometric calculation would be as follows: Jourdan assumed, as we will do here, that the concentration of the urea was 100% and the average concentration of the nitric acid was 68.7%. A quantity of 1694 pounds of 68.7% nitric acid is the equivalent of 1164 ($1694 \times .687$) pounds of 100% nitric acid. Since, as noted above, 63 pounds of nitric acid is needed for every 60 pounds of urea, 1164 pounds of 100% nitric acid is inadequate to achieve a complete reaction of 1200 pounds of 100% urea. Accordingly, the nitric acid was the limiting reagent.

For every 63 pounds of completely reacted nitric acid, 123 pounds of urea nitrate is theoretically (100% yield) produced. Therefore, with a 100% yield, 1164 pounds of nitric acid would produce 2273 pounds of urea nitrate. A 97% yield, as obtained by Molnar, would produce 2205 pounds of urea nitrate.

c. Williams' Salameh Testimony

In his testimony in the Salameh trial, Williams was asked to calculate how much urea nitrate could be produced from the missing urea and nitric acid. Williams first addressed the concept of a limiting reagent:

Whenever you have a reaction like this, there is a limiting reagent when you mix two things together. You can only go so far because one of the components limits the quantities that you're going to have.

In the case of manufacturing urea nitrate, urea is the limiting factor. So, you'd always want to add a little bit more nitric acid than the recipe calls for to make sure that you've reacted all the urea.

Next, Williams addressed the issue of yield. He testified that in a laboratory type environment the [b]est case scenario would be in the neighborhood of 90 percent. He then testified:

Q. And if you're not working in a scientific laboratory, what effect would that have on the yield?

A. It's drastically reduced. You're going to have a lot of spillage because you're going to be cautious. It will splash out. You will lose some of the mixture on the ground. You're going to lose some because it's getting held up in your filter paper and that's a pretty good amount. So, in reality, in a non-laboratory environment, I would expect that and, as a matter of fact, you would get somewhere around a 60- to 70-percent yield.

Williams then testified:

With 1,500 pounds ordered and delivered of urea to the storage area, and finding 300 pounds left in that shed, mixing it with the quantities of nitric acid, the urea and nitric acid would form ideally about 90 percent of the gross weight.

So, if we have 1,200 pounds of urea used unaccounted for, if it was used, we could make a mixture of somewhere around 2,100 pounds, give or take, on ideal conditions of urea nitrate. If the urea nitrate was mixed in a less than ideal environment, not laboratory techniques, and using something as simple as newspaper for filter paper, I would expect that we would get in the neighborhood of somewhere between 1,200 and 16, 1,800 pounds of urea nitrate and then depending on how it was packaged, how sloppy the individual or individuals were that were packing it, you might lose a few more pounds.

So, in essence, you could have an explosive charge of urea nitrate perhaps between 1,200 and 16, 1,800 pounds.

Later in his testimony Williams referred to the amount of urea nitrate that could have been made as about 1,200 pounds.

d. Analysis

We have reached several conclusions regarding Williams' testimony.

First, Williams lacked the requisite scientific knowledge to testify competently in this area. When Jourdan initially discussed the calculation of potential urea nitrate, Williams appeared to Jourdan not to understand the concept of a limiting reagent. His testimony makes clear that he never learned the concept. Urea is not always the limiting reagent and was apparently not the limiting reagent here. Moreover, in his memorandum Jourdan explicitly defines limiting reagent as stoichiometrically you run out of it first and finds nitric acid to be the limiting reagent based on the information he was given. Accordingly, Williams' testimony was inconsistent with the Jourdan memorandum.

Moreover, assuming that urea was the limiting reagent in this case, Williams' numbers do not add up. Because, as earlier noted, 60 pounds of fully reacted urea will produce 123 pounds of urea nitrate, 1200 pounds of urea will produce a theoretical (100% yield) of 2460 pounds of urea nitrate. A 90% yield would produce 2214 pounds (not 2100 pounds), and a 60% to 70% yield would produce 1476 to 1722 pounds (not 1200 to 1800 pounds). The errors in Williams' calculations conveniently produced a range that included the exact amount of urea nitrate--1200 pounds--that he later testified was used in the Trade Center bombing.

Second, Williams' discussion of laboratory yield was problematic. Williams testified that in a laboratory type environment the [b]est case scenario would be a yield in the neighborhood of 90 percent. In his OIG interview Williams said he got the 90% figure from Whitehurst or Burmeister, although they do not confirm this. Assuming they said it, we nevertheless question Williams' choice of words, which implied that his testimony about laboratory yield was based on his own expertise. A laboratory yield for a chemical reaction is obviously outside Williams' area of expertise. He told us in his OIG interview that he had no way of knowing, independent of the chemists, the accuracy of the 90% number, but believed he could rely on the opinion of other experts in his testimony. An expert may rely on opinions of other experts if this is the normal practice in the field. See Fed. R. Evid. 703. Accordingly, Williams would have been fully justified, in rendering his own opinions, in relying on the chemist's statement about yield. For example, he could have testified, My opinion is based in part on the statement of Chemist W, who told me 90% is the best yield. But if he had so testified (with an attribution for the yield statement), the court would have known on whose

expertise the 90% number rested. But that is not what Williams did. He did not attribute the 90% number to anyone else, but rather continued to give the impression that he was speaking from his own expertise, which was misleading.

The failure to attribute the 90% figure was particularly inappropriate here because at this point in Williams' testimony he was apparently testifying about the manufacture of urea nitrate based on his personal experience in making it. Because the 90% figure was not based on that experience, Williams should have revealed the source of the yield number.

Third, Williams' trial testimony about non-laboratory yield was unscientific and speculative, was based on improper grounds, and appears tailored to correspond with his estimate of the amount of explosive used in the bombing. Williams testified that in reality, in a non-laboratory environment, I would expect that and, as a matter of fact, you would get somewhere around a 60- to 70-percent yield.

When asked in his OIG interview the basis for this testimony, he explained that it was based on three factors. The first factor was the yield at Eglin. He said the yield there was 1158 pounds of urea nitrate from 1600 pounds, or 1500 pounds, give or take, of ingredients (urea and nitric acid). A yield of 1158 pounds from 1600 pounds would be 72%; a yield from 1500 pounds would be 77%. Williams described the Eglin operation as a pseudo-laboratory environment.

The second factor was Williams' observations during the searches of the defendants' alleged bomb factory and storage facility. During these searches he observed evidence of a lot of spillage of urea nitrate, which was more than at Eglin.

When asked whether the evidence of spillage suggested a yield much lower than 60-70%, Williams identified the third factor he considered to determine non-laboratory yield :

Along with the investigation that I had results from, from the purchase of chemicals, the known purchase of chemicals, there was a quantity that was purchased, we found no other places

where they had purchased urea or nitric acid. But we did find where they did purchase a quantity. We have knowledge of a quantity of chemicals they had purchased. And I had knowledge of how much chemical was left in the Space Station Storage [the defendants' alleged storage facility] unused.

I also used that to base on what potential percentage of yield was.

We are deeply troubled by Williams' rationale. The first factor used--the yield at Eglin--is problematic. To use Williams' words, Eglin was a pseudo-laboratory environment, in which chemists did the mixing. It is impossible to say whether the typical non-laboratory environment --if there is one--would be better or worse than Eglin. Assuming it would be worse because of an absence of chemists, one could only speculate about how much worse. Further, improvised (i.e., homemade) explosives are sometimes produced by chemists; so an assumption that non-chemists made the explosive would be invalid.

The second factor was also inappropriate. Williams' trial testimony about a non-laboratory yield was offered as an expert opinion based on his experience making urea nitrate. He was asked what the yield typically would be in a non-laboratory setting. By basing that opinion on residues found at the defendants' storage facility and bomb factory, Williams really offered an opinion on the yield he thought the defendants would have had, but masked it in the guise of a general opinion. Moreover, it is pure speculation to say what the defendants' yield would have been from the discovery of some urea nitrate crystals evidencing spillage.

The third factor, however, is the most problematic. There is a degree of ambiguity as to what exactly Williams meant. In essence, he said he based his testimony about non-laboratory yield in part on the amount of chemicals missing (amounts purchased minus amounts recovered at the storage facility). Our interpretation of the passage is this: Williams apparently assumed the Trade Center bomb was made from the chemicals missing from defendants' storage facility. He estimated, as he later testified, that the main charge at the Trade Center weighed 1200 pounds. He then divided 1200 by the weight of the applicable amount of missing urea and nitric acid to give him an estimate of defendants' yield. He then considered defendants' yield to help him determine non-laboratory yield generally.

Based on the amount of urea and nitric acid missing from the defendants' facility, they had the capacity to produce urea nitrate in an amount in excess of 2000 pounds if the yield was high (over 90%) and in an amount less than 1200 pounds if the yield was low (below 50%). Williams testified at trial that the amount of the explosive used in the Trade Center bombing was about 1200 pounds. If the defendants' yield was substantially below 90% but not below 50%, a good match could be obtained between the amount the defendants could have produced and the amount supposedly used in the bombing. By setting the non-laboratory yield at 60 to 70 percent, Williams obtained a good match.

The purpose of a criminal trial, of course, is to determine guilt. The issue of guilt is the ultimate question to which all others are directed. In contrast, Williams began with a presumption of guilt as a foundation on which to build inferences. (As we shall see below, this is not the only time in the Salameh trial that Williams so utilized a presumption of guilt.) The agent simply assumed that the perpetrators produced a 1200 pound bomb at the Trade Center using the urea and nitric acid missing from the defendants' facility, and that yield (the amount used at the bombing divided by the amount missing) informed his testimony about non-laboratory yield, which was presented to the jury as a general number applicable to all non-laboratory environments.

It appears Williams may have worked backwards --that is, he may have first determined the result he wanted (here, that the defendants could have produced 1200 pounds of urea nitrate, the amount he estimated was used in the bombing) and then tailored his testimony about yield to reach that result. We are deeply troubled by this possibility.

We conclude that a competent expert cannot give a narrow range for the yield in a non-laboratory environment. A commercial production facility or a meticulous chemist in a garage can potentially achieve a yield as high as that produced in a laboratory. On the other extreme, careless persons without knowledge or skill may be unable to produce the explosive at all (0% yield) or may achieve only a very low yield. Accordingly, we find that Williams' testimony about non-laboratory yield was invalid and beyond his area of expertise.

Fourth, had Williams or another witness performed the stoichiometric calculation correctly, the result--a 100% yield of about 2273 pounds of urea nitrate with a real possibility of a much lower figure in a non-

laboratory setting--would have been perfectly acceptable to the prosecution's theory of the case. Williams seemed to have pushed the envelope to get to 1200 pounds--his estimate of the weight of the explosive used in the bombing. Such exacting symmetry was unnecessary.

In sum, we conclude that Williams' testimony about the potential production of urea nitrate was outside his area of expertise and deeply flawed, and his excesses were unnecessary to an effective presentation of the prosecution's case.

2. Williams

' Opinion Regarding the Explosive Used in the Trade Center Bombing

Having established the defendants' capacity to manufacture 1200 pounds of urea nitrate, Williams went on to render an opinion in the Salameh trial that the main explosive charge in the Trade Center bombing was 1200 pounds of urea nitrate. This testimony was also seriously flawed.

a. Velocity of Detonation

An important part of Williams' opinion concerning the explosive used at the Trade Center was his determination of the velocity of detonation (VOD) of that explosive based on his assessment of the damage at the scene. Attachment C: A Primer on Explosives and Velocity of Detonation, infra, defines VOD and is a necessary foundation for the discussion that follows. The significance of the VOD determination was that it provided a basis for Williams' opinion concerning the type of explosive used in the bombing.

(1) The VOD of Urea Nitrate

(a) Background

Williams testified at the Salameh trial to the VOD of urea nitrate:

Urea nitrate in smaller quantities detonates at a velocity of about 14,000 feet per second. The larger quantity that you get of urea nitrate it compacts on top of itself and may approach 15,500 feet per second.

When asked at his OIG interview the basis for these figures, Williams stated that they were a rough estimate from information I had obtained from different sources. The information was allegedly received orally from persons Williams regarded as knowledgeable sources within the field of explosives. These sources told him, [I]t's approximate. These fellows had not worked with it. And wherever they got the information from, this is what I had received from them. Williams told us there was very little literature on the subject. He continued:

And the actual written material that I found was -- it was a very broad definition. It didn't seem that two people agreed on the same thing. . . .

[Question by OIG:] That literature indicated that it was unclear as to what the velocity of detonation was?

AGENT WILLIAMS: Not unclear. There was just such a wide parameter of detonations and pressure. Very little research had been done and written about that I was able to locate.

OIG: And it was wider than 14,000 to 15,500 feet per second; is that correct?

AGENT WILLIAMS: I don't recall.

OIG: You don't recall that -- I mean, the literature did not reflect 14,000 to 15,500 feet per second; is that right?

AGENT WILLIAMS: I don't recall. . . . I do recall seeing these figures visually. . . . And I don't recall if it was after I prepared it from the verbal information or if it's information that I received by looking at some type of research document.

After the OIG interview we obtained Williams' notes for the World Trade Center case. There is nothing in the notes indicating that the VOD of urea nitrate is 14,000-15,500 feet per second.

The notes, however, do contain two copies of page U103 of the Encyclopedia of Explosives and Related Items (U.S. Armament Research and Development Command 1983) (Encyclopedia), a standard text in the field. Page U103 contains the following:

urea nitrate has a deflagration pt of 186 [degrees]; a deton rate of 3400m/sec (at d 0.85g/cc in a 30mm diam paper tube when driven by 1.5g of MF), and 4700m/sec (at d 1.20g/cc in a 30mm diam steel tube when driven by 1.5g of MF)

(Abbreviations in original.) A VOD of 3400-4700 meters per second converts to about 11,155 to 15,420 feet per second. In the OIG interview, Williams stated that he reviewed the Encyclopedia regarding the VOD of urea nitrate before he testified in Salameh.

Also among the case notes is a notation of 12-15,500 FPS, without further elaboration, on a sheet from Williams' notepad. In a letter in August 1996 Williams commented on this notation:

I do not specifically recall why I had written down 12-15,500, nor where I had found it. I did in fact write it and it suggests to me that either I or someone to whom I had conversation with had rounded off the possible VOD of what most likely would have been urea nitrate.

In his OIG interview and correspondence, Williams named only three knowledgeable sources within the field of explosives who he allegedly consulted prior to his testimony--Tom Dowling and Fred Smith of the Institute of Makers of Explosives and Paul Cooper of Sandia National Laboratories. In his OIG interview Dowling stated that he did not recall talking to Williams or talking to anyone from the FBI about the VOD of urea nitrate after the Trade Center blast, but said he was reasonably sure he talked to FBI employees on the telephone about other aspects of urea nitrate. Dowling said that if he had been asked about the VOD of urea nitrate, he would have consulted his reference material and given the caller the information he had. Dowling had only one reference book that contained the VOD of urea nitrate--the Encyclopedia. Smith stated in his OIG interview that he did not recall that anyone ever asked him about the VOD of urea nitrate, that he would not have known the VOD, and that to answer the inquiry he would have consulted the Encyclopedia. Cooper stated in his OIG interview that he was pretty sure no one from the FBI called him to ask about the VOD of urea nitrate and that if someone had called he would have had to perform research or calculations to determine the VOD.

In addition to the Encyclopedia, our own literature search found only one text setting forth the VOD of urea nitrate (Urbanski, Chemistry and Technology of Explosives 469-70 (1965)), and it contained the same VOD as the Encyclopedia--3400 to 4700 meters per second.

Williams testified at his OIG interview that after the Salameh trial (and before the Rahman trial) [w]e detonated the explosives [the urea nitrate] we made at Eglin and measured the VOD to be 12,100 feet per second. Williams characterized this measured VOD as substantially less than 14,000.

(b) Analysis

Williams' Salameh testimony about the VOD of urea nitrate was, at best, incomplete and, at worst, knowingly incorrect. The Encyclopedia, a standard text in the field of explosives, indicated that urea nitrate has a VOD of about 11,155 to 15,420 feet per second. Although the applicable page of this text was in Williams' notes and although prior to his testimony he had consulted it, he nevertheless testified, without qualification, that the VOD is 14,000-15,500 feet per second.

Williams claimed in his OIG interview that he based his testimony about the 14,000-15,500 feet per second VOD of urea nitrate on oral statements from persons outside the FBI. The interviews of Dowling, Smith, and Cooper, and the absence of supporting documentation in the case notes, leave us with grave doubts about the veracity of this claim. In any event, these oral opinions allegedly came from persons who had not worked with urea nitrate, and Williams did not know the basis of their opinions. Assuming Williams received such opinions, we conclude that it was inappropriate for him to blindly rely on them and ignore the Encyclopedia. At a minimum, Williams should have told the court he was relying on outside opinions, and he should have supplemented those opinions in court with the information from the Encyclopedia.

Finally, in his August 1996 letter, Williams came up with a completely new reason for his testimony about the VOD of urea nitrate:

One or more of the individuals from Eglin, at the time of our manufacturing of urea nitrate at Eglin, had conducted tests to determine the density of urea nitrate as it was manufactured. If you notice, in the highlighted area from the Encyclopedia of Explosives^[1] the density for the different VOD tests are 0.85g/cc and 1.20g/cc. This allows for the extreme variance of VODs as listed in the Encyclopedia. The resulting examination indicated that the density of the urea nitrate that was manufactured in Eglin was near the upper end of that density. I do not specifically recall what those figures were, however, in my conversations with the Eglin folks, they agreed that due to the higher density, not tamped or packed tightly, the VOD would be higher or faster than the low end scale. It was also my opinion at the time of testimony in the trial, that the urea nitrate manufactured for the bombing was homemade, allowed to rest for a period of time and then transported while packaged in the Ryder truck, from New Jersey to New York City. The density of the urea nitrate in this device, in my opinion, was higher thus suggesting that the VOD was faster than the lower end of the 11,155 estimate.

This new explanation for Williams' trial testimony is not helpful to Williams' position. First, we do not find it credible. It is inconsistent with both his trial and OIG testimony, and we think that if this were the real reason for his trial testimony he would have mentioned it at the OIG interview. At the OIG interview Williams mentioned the Encyclopedia but limited his remarks to: I know I definitely looked at the Encyclopedia of

Explosives, and I don't recall specifically what it had said at that point. The August 1996 explanation came after we confronted Williams with page U103 from the Encyclopedia, and the new explanation appears contrived to accommodate that text. Second, Williams' trial testimony did not purport to be an estimate of the VOD of the urea nitrate made either at Eglin or by the perpetrators. Rather, it was put forth as the general range for the VOD of urea nitrate. The 14,000 feet per second figure was explicitly limited at the trial to smaller quantities, which would be inapplicable to both Eglin and the perpetrators. Third, density was not the only variable mentioned in the Encyclopedia; the confinement also varied (paper versus steel tube) and may have had as significant an impact on VOD as the density. Thus, Williams' new explanation is based on a misconstruction of the Encyclopedia. Fourth, Williams' statement in the new explanation that he thought the urea nitrate used in the bombing had a high density is speculative. If, as seems unlikely, the new explanation is the true explanation, Williams should have given the same information in court as he did in his letter--namely, that the VOD for urea nitrate is about 11,155-15,420 feet per second, but that he thought the VOD of the main explosive was at the high end of that range for certain specific reasons. The new explanation reflects adversely on Williams' credibility and competence.

We conclude that the 14,000-15,500 VOD range for urea nitrate that Williams gave at the Salameh trial was clearly too narrow, and appears tailored to correspond to the estimates in his report (14,000 feet per second) and in his testimony (14,000-15,500 feet per second) of the VOD of the main explosive used at the Trade Center. In his trial testimony about the VOD of urea nitrate, Williams failed in his responsibility to provide the court with complete and accurate information.

(2) The VOD of the Main Explosive

Having told the jury that the VOD of urea nitrate was about 14,000 to 15,500 feet per second, Williams went on to testify as follows to the VOD of the main explosive at the Trade Center:

On the brief two and a half hour walk-through [at the scene of the bombing] I had the opportunity to inspect a lot of [damaged materials]. . . . By putting all of these things together and looking at the size of the hole I estimated that the velocity of detonation was somewhere between 14,000 and about 15,500 feet per second, with a little bit of give on each side of that.^[1]

We conclude that Williams' VOD opinion lacked a sufficient scientific and empirical foundation.

(a) Inconsistencies

At the outset we note that Williams has been inconsistent as to his estimate of the VOD of the main charge at the World Trade Center. In his report dated July 1, 1993, he stated that the explosive main charge was a high explosive having a velocity of detonation (VOD) of approximately 14,000 feet per second. In his Salameh testimony in February 1994, he gave a VOD of somewhere between 14,000 and about 15,500 feet per second, with a little bit of give on each side of that. Later, in the Rahman trial in April 1995, Williams testified:

From this walk-around [at the scene of the bombing] I was able to look at the damage and conclude that I was looking at the damage from a[n] explosive that had a velocity of detonation around 14,000 feet per second.

Obviously, without being in there when the bomb went off or seeing what kind of explosive it was, I have to give a bracket on both sides of a couple thousand feet.

In his OIG interviews in February and March 1996 he also stated that his VOD estimate included a 2000 feet per second tolerance on either side of the 14,000-feet-per-second estimate--i.e., a range of 12,000 to 16,000 feet per second. Finally, in a letter to the OIG in August 1996, Williams stated: The other reason that I testified as to the VOD damage in the Trade Center, is that from the damage I witnessed, it appeared to me that the improvised explosive device was faster tha[n] 11,000 and slower than 16,000.

Thus, Williams has given four estimates of the VOD for the main charge: approximately 14,000 feet per second (his report), 14,000 to about 15,500 feet per second with a little give on each side of that (Salameh trial), around 14,000 feet per second with a bracket on both sides of a couple

thousand feet (Rahman trial, OIG interviews), and between 11,000 and 16,000 feet per second (letter to the OIG).

We observe that Williams' adjustment from 14,000 (report) to 14,000-15,500 feet per second (Salameh trial) coincided with his Salameh testimony that the VOD of urea nitrate was 14,000-15,500 feet per second. His change from 14,000-15,500 (Salameh trial) to 12,000-16,000 feet per second (Rahman trial) occurred after Williams discovered that the VOD of the urea nitrate made at Eglin was 12,100 feet per second. His change to 11,000-16,000 feet per second (August 1996 letter) occurred after we pointed out to him that the Encyclopedia gave the VOD range of urea nitrate as about 11,155 to 15,420 feet per second. The circumstances of the four estimates imply that Williams changed his VOD opinion for the main charge in order to maintain a match with the VOD of urea nitrate.

We conclude that Williams' inconsistencies severely undercut the credibility of his VOD opinion for the main charge.

(b) Justification for Opinion

(I) World Trade Center

Williams testified in the Salameh trial that he considered several observations to determine the VOD of the Trade Center bomb:

On the brief two and a half hour walk-through I had the opportunity to inspect a lot of witness vehicles^[1], concrete, steel-reinforcing rod, steel beams, and other fragments of material in and around the seat of the explosion.

By looking at some of the pieces of steel, for example, that very large piece of steel that was thrown back into the tower room, and where it broke off, recognizing that that part was actually about 12 feet or so away from the seat of the blast, the specific unique breaking of the steel particle and different distances away from the seat of the explosion, I witnessed different types

of explosive damage.

By putting all of these things together and looking at the size of the hole I estimated that the velocity of detonation was somewhere between 14,000 and about 15,500 feet per second, with a little bit of give on each side of that.

. . . .

For example, if we had C4 [a military ordnance] in that World Trade Center basement, a quantity of it, of course the quantity doesn't matter, over a hundred pounds, because the velocity of detonation of the C4 is somewhere around 24,000 feet per second, give or take, that explosive is very brisan[t], brisance meaning that that shock wave comes out real quick. When that shock -- and it doesn't last as long as a slower velocity explosive. So when that brisance hit the target material like steel -- if you recall in the one photograph where it looked like that steel was torn -- we would see a lot more of that tearing, really tremendous tearing damage in some of the heavier materials like the steel.

If, for example, we go to a slower velocity explosive, let's say something around 14,000 feet per second, when that detonates we're going to get more of a pushing, a heaving effect. It's not going to crack it hard. It's going to gradually build up, but still very rapidly take hold of that witness material and give it a push or a shove, and it's not going to crack that material as rapidly.

Q. Is that in fact the type of explosive damage that you saw?

A. The pushing and heaving is exactly what I saw in the World Trade Center.

The problem with this testimony is that Williams never explains how the observations compute to 14,000-15,500 feet per second. That he

observed evidence of heaving as opposed to brisance --i.e., the damaged materials appeared to have been pushed rather than shattered --only necessarily excludes military explosives such as C4 with VODs in excess of 18,000 feet per second. Nowhere in his testimony does Williams explain how he narrowed the broad heaving range of high explosives (about 3000 to 18,000 feet per second) to 14,000-15,500 feet per second.

In his OIG testimony Williams elaborated further on his rationale. He stated he considered the damage to the component parts of the suspect vehicle and other witness materials around there, the concrete, the steel, the vehicles, the people. He stated that because he found pitting and cratering within four feet, and evidence of heaving and no tearing within eight and a half feet, of the seat of the explosion, [t]hat put me into an area of somewhere between 12,000 and 16,000 feet per second . . . I didn't find any pitting or cratering eight feet away; but four feet away, I did. He continued:

So by looking at all of these different things, the way the concrete was broken into large pieces as compared to limestone dust within the near proximity as you gradually went away from it, looking at autopsy reports and photographs of victims, by the burning on their bodies or the scorching of the surrounding area, I can roughly get a feel that it was a very hot explosive or a not so hot explosive, a lot of fire ball balls produced, that sort of thing. . . .

By putting all of this together and looking at what I saw in the Trade Center, I was able to say that the velocity of detonation of the explosive main charge was about 14,000 feet per second.

Williams stated he considered a host of other things, including [t]he bodies, the burning. He elaborated:

OIG: Okay. So getting back to your testimony of between 14,000 and 15,500 feet per second, what you viewed on the body, how did that help you determine that the velocity of detonation was between 14,000 and 15,500 feet per second?

That's my question, sir.

AGENT WILLIAMS: Okay. And I cannot answer that a single body could tell me the velocity of detonation. The body along with all of the other environment that I looked at.

OIG: What was it about the body that helped you to get to the conclusion that it was between 14,000 and 15,500 feet per second?

AGENT WILLIAMS: That allowed me to say, well, by looking at one individual body -- they were eating lunch at the time. He had food in his mouth that was still partially chewed.

Another body had fragmentation damage in the eyeball and not in the eyelid, suggesting he didn't have time to blink by the time he got hit with fragmentation.

I looked at a body that had a mangled arm that was caused by some surrounding area, part of the wall, a cinder block, perhaps, that had ripped the arm off.

OIG: And that couldn't have been done at 18,000 feet per second, you're saying?

AGENT WILLIAMS: Absolutely not.

OIG: And it couldn't --

AGENT WILLIAMS: Not the damage that I saw.

OIG: The damage to the body?

AGENT WILLIAMS: That's correct. I would have expected --

OIG: And you say that based on what, sir?

AGENT WILLIAMS: I know where the bodies were found. I know the damage to the body. I know the debris that was found all around the body. I know where that debris originated before the blast.

Concrete blocks for a cinder block wall, something of that nature; an unopened box of photocopy paper; these items were removed from their original position less than 10 feet away from the seat of the blast and thrown to an area where they finally rested near the body.

The damage to those objects suggested to me that if it was 18,000 feet per second, they would be smaller, they would be torn or ripped like the pipe that's shredded like paper, and the bodies would have had slightly different damage.

OIG: What kind of damage?

AGENT WILLIAMS: They would have been hit with smaller flying objects.

OIG: Would the arm have been ripped off in a different way?

AGENT WILLIAMS: Yes. Their bodies would have shown different physical damage.

If, for example, I had two bombs, one was smokeless powder,

and one was C-4; and I had individuals the same distance away, I would expect totally different damage to those bodies.

OIG: Okay. And where did you learn all this from? I mean, is there some literature out there, sir, that tells --

AGENT WILLIAMS: There's a good bit of literature.

OIG: Okay. And that literature would support your statement about the damage to the bodies?

AGENT WILLIAMS: Yes, it would.

OIG: I see. Is there literature out there that supports your ability to estimate a velocity of detonation of between 14,000, 15,500 feet per second based on the explosive damage? Is there literature that indicates that a qualified expert can do that?

AGENT WILLIAMS: I don't know.

The thrust of Williams' OIG testimony is that he considered numerous factors bearing on VOD, which he then filtered through his experience to produce his VOD estimate. We find Williams' application of his methodology flawed, because it is essentially an unscientific, unverifiable process of intuition. This is apparent from some of the language Williams used to describe his method of determining the VOD and weight of the explosive: I can roughly get a feel that it was a very hot explosive or not (emphasis added); [w]hat caused me to guess a velocity of detonation (emphasis added); [t]hese things produced an impression on me (emphasis added).

The application of the methodology is one of rough[] . . . feel[ings], guess[es], and impression[s]. There was a complete absence of empirical data to support any of the inferences Williams made from the various factors he identified. For example, Williams emphasized that the pitting and cratering within a radius of 4 feet from the seat of the

explosion, when combined with only heaving without pitting and cratering within 8.5 feet, showed a velocity of detonation of 12,000-16,000 feet per second. But neither Williams nor the FBI has data to support that thesis. Moreover, in the Oklahoma City case (see Part Three, Section G, infra) Williams found pitting and cratering 12 feet from the seat but nevertheless estimated the VOD to be 13,000 feet per second in that case, effectively undercutting the primary basis he claimed for his VOD opinion in the World Trade Center case.

The same could be said for the conclusions he drew from observing certain victims' bodies--e.g., the way in which an arm was severed, an eye injury. Williams and the FBI have no data or other basis for concluding that the nature of those injuries meant the VOD was 14,000-15,500 feet per second.

(ii) Oklahoma City

Williams' attempt to justify a specific VOD estimate in the Oklahoma City case is similarly unpersuasive and supports our view of the inappropriateness of attempting to fix a narrow VOD range from an assessment of the blast damage. In his Oklahoma City report, Williams estimated the VOD of the main charge to be 13,000 feet per second. Williams explained in his OIG interview that he reached his VOD opinion by considering the explosive damage at the crime scene in light of his experience. He cited approximately fifteen different factors that contributed to his opinion--such as, the damage to the vehicle containing the bomb, the size of the crater, the lip of the crater, evidence of heaving, the damage to the concrete, the size of the vehicle fragments, pitting and cratering, the movement of parked cars, and the damage to parking signs. As in the World Trade Center case, however, the difficulty arose when Williams attempted to explain how he got from the observed damage to the specific VOD. For example, he contended that the size of the fragments contributed to his opinion. But neither Williams nor the FBI can cite any empirical studies linking specific sized fragments to specific VODs. Williams stated in his Oklahoma City interview that he had no documentation or experimentation to support his premises regarding the various factors and that he relied solely on his memory of explosive experiences spanning 10 to 15 years. We conclude that this is an inadequate basis for rendering a specific VOD opinion from observations of blast damage.

(iii) General Discussion

Agent Thurman, the current EU Unit Chief, stated in his OIG interview that normally an EU examiner will only determine from the damage whether the explosive was high or low, heaving or brisant. With the exception of differentiating between a high explosive and a low explosive, the arbitrary, we do not, as a rule, go in the reports and state that it's X' number of feet per second. Indeed, Thurman, who has been in the EU for about 14 years, has never himself opined a specific VOD from a damage assessment, but has limited himself to opinions about high versus low, brisant versus heaving, explosives. In fact, Williams is the only examiner Thurman is aware of who has attempted to find a specific VOD from a damage assessment, and attempting to make such findings is not part of the EU training. Williams also believes he is the only EU examiner to have rendered a specific VOD opinion from the explosive damage. Furthermore, as noted above, Williams is unaware of any literature stating that an explosives expert properly may render such a VOD opinion. We also are unaware of any such literature. It thus appears that Williams may be unique, both within the FBI and within the community of explosives experts generally, in his willingness to render such specific VOD opinions.

We have no doubt that an experienced explosives examiner may properly draw certain inferences from observations at a crime scene. For example, an experienced expert will be able to discern the difference between the damage left by a high versus a low explosive, and can differentiate the damage caused by a heaving high explosive (like most commercial products) versus a brisant (like most military explosives) high explosive. Similarly, an observation of pitting and cratering will tell an experienced expert that the explosive used was a high explosive with a VOD typically in excess of about 10,000 feet per second. All of this involves the use of experience to recognize certain distinctive characteristics of explosive damage.

Going further, however, and attempting to infer from the damage a specific VOD is a process that appears to have no precedent either in the literature or at the FBI. We believe it is unprecedented and unjustifiable because the differences in damage caused by explosives with different specific VODs are insufficiently distinctive to allow an experienced expert to say that certain damage will only result from an explosive with a particular VOD.

No database exists at the FBI that correlates specific VODs with particular damage or with the many other variables identified by Williams. We conclude that Williams in fact has no objective basis for estimating a specific VOD from an inspection of the crime scene.

Accordingly, we conclude that Williams' specific VOD opinion of 14,000-15,500 feet per second for the main charge at the World Trade Center lacked an adequate scientific and empirical basis.

b. Identification of the Main Charge

Having testified that the VOD of the Trade Center explosive was 14,000 to 15,500 feet per second, Williams went on to testify about the type of explosives that fit that range. We will first summarize that testimony and then analyze it.

(1) Williams' Testimony

On direct examination, Williams testified as follows:

Q. Based on the damage and your estimated velocity of detonation, did you form a conclusion as to what type of explosive was used?

A. Yes. Immediately because of that type of damage without doing any type or having any knowledge of chemical residue analysis, the type of explosives that fit in that bracket are very limited. . . .

So within that parameter of 14,000 to 15,500 feet per second we're limited to the fertilizer-based explosive such as ammonium nitrate, and also, certain dynamites, the ammonium-nitrate type dynamites. Perhaps on one end of the spectrum or the other end of the spectrum we may find something like water gels, a slurry or an emulsion. Each of these kind of explosives are commercially available and do specific damage, but their

velocity of detonation are just a tad on either side of that parameter of detonation.

Williams further testified that he was able to rule out quite a bit of the slurries, water gels and emulsions because of the failure to find microballoons or tipper ties among the debris at the scene. Williams testified that microballoons are tiny glass balloons that are included in some emulsions to add air space, and tipper ties are the wire ends of water gels. He testified that he would have expected to find microballoons if the explosive at the Trade Center had been an emulsion and find tipper ties if it had been a water gel. He then concluded by identifying urea nitrate as within the category of a fertilizer-based explosive that would have that velocity of detonation consistent with the damage that [he] saw.

On cross-examination, one of the defense counsel (Mr. Campriello) attempted to recapitulate Williams' earlier testimony but misstated it, leading to the following:

Q. . . . In other words, you said that this was basically a bomb, if I understand, made of urea nitrate and this substance and that substance.

MR. ABDELLAH [another defense counsel]: Objection. That's not what he said.

THE COURT: I think he's -- I don't think you're limiting yourself. Is that what you're saying? You think?

MR. CAMPRIELLO: That's all I'm saying.

THE COURT: Go ahead.

A. Yes I do. I believe urea nitrate was the bulk of the constituent in that bomb with other explosive materials; yes.

Q. And have you concluded that that is the only possible bomb that could have caused this kind of damage based on everything you know or are there other possibilities as well?

A. Within the World Trade Center?

Q. Yes.

A. There was only one bomb in the World Trade Center.

Q. No, no. That, I understand to be your testimony.

What I'm saying is was whatever caused it just this one possibility or were there other possible bombs as well, not two bombs or three bombs, but you described a bomb?

A. Yes, okay.

Q. Could it have been another kind of bomb or no?

A. Not likely. As I said, the bulk of the explosive material could have been urea nitrate with other things such as ammonium nitrate dynamite and certainly there was some type of initiator, but the bulk of the explosive was, in my opinion, urea nitrate.

Q. I guess it's the could have been part that gives me pause.

THE COURT: Could it be ANFO [ammonium nitrate and fuel oil]?

MR. CAMPRIELLO: I didn't hear you, Judge.

THE COURT: Could it be ANFO?

THE WITNESS: Yes, it could be.

THE COURT: In other words, there could have been an ANFO bomb sitting there, and if that exploded, it would have caused the same kind of damage?

THE WITNESS: That's correct.

(2) Analysis

(a) Direct Examination

First, Williams testified on direct examination that because of that type of damage . . . the type of explosives that fit in that bracket are very limited. Assuming the VOD testified to at the Salameh trial--14,000-15,500 feet per second--there are many different explosives that fit in that bracket. Using the VOD testified to in the Rahman trial--12,000-16,000 feet per second--there are even more that qualify. Williams testified in his OIG interview that a lot of different explosives meet the 14,000-15,500 feet per second VOD range. For example, the 1980 Dupont Blasters' Handbook (Dupont) lists six prill products, four water gels, and two dynamites with a VOD within the 14,000-15,500 feet per second range, and more within the 12,000-16,000 feet per second range. The 1968 Canadian Industries Limited Blasters' Handbook lists three products with velocities in the 14,000-15,500 feet per second range. The 1995 Dyno Nobel Inc. Explosives Engineers Guide (Dyno) lists twenty-seven products with velocities in the 14,000-15,500 range.

Williams' testimony about the very limited type of explosives that fit in the 14,000-15,500 feet per second bracket was literally correct, because the many commercial products within that range fall into certain

categories or types--namely, dynamites, water gels, emulsions, and fertilizer (e.g., ANFO) products. We are concerned, however, that the court may not have understood that within each type there are numerous commercial products meeting the 14,000-15,500 feet per second range.

Second, Williams testified that the VOD of water gels and emulsions are just a tad on either side of that parameter of detonation [14,000-15,500 feet per second]. This testimony was incorrect. There are several commercially available water gels and emulsions with VODs within the 14,000-15,500 feet per second bracket. See Dupont at 71; Dyno at 1-2.

Third, Williams testified at trial that he could rule out some of the explosives that met the range--namely, the emulsions and the water gels because of a failure to find microballoons and tipper ties in the debris. Williams contradicted this testimony at his OIG interview.

As for the microballoons, if used they may have been made of resin and likely consumed in the blast. More fundamentally, however, any microballoons used would have constituted only about five percent of the total explosive mixture. No residue of the main explosive was recovered at the Trade Center. If residue of the component constituting ninety-five percent of the charge was not recovered, it should be no surprise that remains of the five percent component were not found. Williams conceded at his OIG interview that the failure to find the microballoons meant only that it's possible that they were not there. Williams added, I couldn't eliminate them, because we didn't find anything.

Similarly, the failure to find tipper ties did not rule out water gels. Williams testified at his OIG interview as follows:

OIG: Just because you didn't find tipper ties does not really rule out those explosives, did it?

AGENT WILLIAMS: No, it does not. It would not rule it out.

If the explosives were shucked of all of their wrappers,

completely shucked of the wrappers, I would not have found anything.^[1]

In his OIG interview, Williams told us: Because I did not find any evidence of any of the other commercial explosives does not necessarily mean that they were not used. Accordingly, we conclude that Williams should not have testified at trial that he could rule out the slurries, water gels, and emulsions.

Fourth, in his OIG interview Williams stated that, based on his assessment of the damage at the scene, he really could not make any type of identification of the explosive used at the Trade Center:

OIG: And I take it from your answer, that based on your assessment of the explosive damage that you observed and was made known to you, you could not have rendered an opinion that the bulk of the explosives in this case was urea nitrate; is that correct?

AGENT WILLIAMS: If I just had to work with that crime scene, there's no way I could have called any kind of explosive.

OIG: Because it could have been ANFO?

AGENT WILLIAMS: It could have been emulsions.

OIG: Could have been emulsions.

AGENT WILLIAMS: It could have been anything.

(Emphasis added). Williams' acknowledgment at the OIG interview that, based on the crime scene, the main explosive could have been anything differs significantly from the opinions he rendered at the Salameh trial.

At the trial Williams testified that his observations at the scene enabled him to help the court determine the explosive that may have been used in the blast. Now he has admitted that there's no way I could have called any kind of explosive. In light of Williams' OIG testimony, we are deeply troubled that his testimony on direct examination may have misled the court.

In sum, we conclude that Williams' direct examination was inaccurate and misleading, and suggested too strongly that a fertilizer-based explosive like ammonium nitrate or urea nitrate was used in the Trade Center bomb.

(b) Cross-Examination

Even more troubling than Williams' direct examination was a part of his cross-examination in which he rendered an incriminating opinion based on speculation beyond his scientific expertise. On direct, Williams identified a category of explosives that fit the VOD and damage that he observed at the post-blast scene. This category included but was not limited to urea nitrate. At his OIG interview (as discussed above), Williams was emphatic that he could not identify a specific explosive based on his observations at the crime scene.

Nevertheless, Williams testified on cross-examination that the bulk of the explosive was, in my opinion, urea nitrate. See also on the same page of cross-examination: I believe urea nitrate was the bulk of the constituent in that bomb with other explosive materials. At his interview we asked Williams how he could render such an opinion, and he answered: the reason I was able to do that in testimony was because I had the benefit of the search sites, the storage sites, the bomb factory and, of course, viewing the evidence from the crime scene. Williams continued:

OIG: And I take it from your answer, that based on your assessment of the explosive damage that you observed and was made known to you, you could not have rendered an opinion that the bulk of the explosives in this case was urea nitrate; is that correct?

AGENT WILLIAMS: If I had no benefit of auxiliary searches and materials, that's absolutely correct. If I just had to work with that crime scene, there's no way I could have called any kind of

explosive.^[1]

Williams' use of the auxiliary searches to render an opinion that the bulk of the main charge was urea nitrate was improper for two independent reasons.

-

First, Williams improperly based his expert opinion that urea nitrate was the main charge on the fact that urea nitrate and other materials had been associated with the defendants. This error is analogous to the one Rudolph made in Psinakis when he relied on the fact that stripped detonating cord had been found outside the defendant's house as a basis for his identification of PETN on a knife. See Part Three, Section A, supra. By basing his opinion on the collateral evidence associated with the defendants, Williams improperly engaged in speculation beyond his scientific expertise.

Williams portrayed himself as a scientist and rendered opinions as an explosives expert. As such, he should have limited himself to conclusions that logically followed from the underlying data and the scientific analyses performed. Here, Williams' scientific analysis of the cause of the explosion rested on an examination of the damage at the post-blast scene. He should not have based his opinions, in whole or in part, on evidence that was collateral to his scientific examinations, even if that evidence was somehow connected to the defendants. For Williams to identify the main charge as urea nitrate based on evidence that the defendants had or could make that compound is comparable to a firearms expert identifying the caliber of a spent bullet based on the mere fact that a suspect had a handgun of a particular caliber.

Earlier in the cross-examination Williams rejected defense counsel's suggestion that Williams was trying to infer that the items seized at the locations associated with the defendants must have been the items that were used in the World Trade Center (emphasis added). Williams testified then that he was only saying that the items seized could have been used in the Trade Center explosion. This was a valid scientific assessment of the defendants' capability and an appropriate rejection of the suggestion that the cause of the explosion could be determined scientifically from the evidence associated with the defendants. Williams should have maintained this approach throughout his cross-examination.

Evidence associated with the defendants is logically relevant to the

blast's cause only under the following chain of reasoning:

(1) Urea nitrate crystals and ingredients were found at locations associated with the defendants.

(2) Defendants committed the World Trade Center bombing.

(3) When defendants committed the crime, they must have used what was available to them, which was urea nitrate.

(4) Hence, urea nitrate must have been used at the Trade Center.

This chain of reasoning is objectionable because it is not scientific and because it uses a presumption or inference of guilt (point two) as a building block in the analysis. The question of the defendants' guilt is the ultimate issue. It should not be presumed as a foundation for further analysis. By basing his urea nitrate opinion on the collateral evidence, Williams implicitly accepted as a premise the prosecution's theory of guilt. This was improper.

Moreover, even assuming defendants committed the bombing and had the capacity to make a urea nitrate bomb, that did not necessarily mean urea nitrate was used at the Trade Center: the defendants, for example, may have disposed of the urea nitrate elsewhere and used another explosive in the bomb, or they may have converted the urea nitrate to nitro urea and used that explosive. Williams' opinion based on the collateral evidence was thus not only unscientific but also speculative, and it therefore fell well below the minimum standards required of competent forensic scientists.

Finally, because Williams failed to reveal that his urea nitrate opinion was based not on his independent scientific examination but on speculation from the mere fact that defendants could have made urea

nitrate, the court was unable to put the opinion in its proper perspective, and a danger arose that the opinion would be given undue weight in support of the prosecution's case.

Second, the context of the questioning that led to Williams' identification of urea nitrate appears limited to an opinion based only on Williams' assessment of the damage at the crime scene. On direct examination Williams' opinion regarding the type of explosive used was explicitly [b]ased on the damage and [his] estimated velocity of detonation. It is obvious that the applicable cross-examination was an attempt to get Williams to repeat what he said on direct examination, which defense counsel misunderstood. See, e.g.: Correct me if I'm wrong. If I understood you correctly, you indicated Moreover, defense counsel, in the applicable cross-examination, explicitly asked about the possible bomb that could have caused this kind of damage. . . . [W]as whatever caused it [the damage] just this one possibility or were there other possible bombs as well . . . ? The court's questions about ANFO, moreover, make clear that the court believed the applicable examination related to Williams' assessment of the damage at the scene. Further, Williams' ready affirmative answer to the court's question Could it be ANFO? suggests Williams understood that the inquiry related to the damage at the scene.

It must be remembered that establishing that the explosive used at the World Trade Center was urea nitrate was extremely damaging to the defendants' case. Evidence linked the defendants to a bomb factory and storage facility containing evidence of urea nitrate or the ingredients for urea nitrate, an explosive rarely used in a criminal device. Williams' testimony on cross-examination, therefore, that the bulk of the explosive was, in my opinion, urea nitrate was very incriminating.

In this context, it was unprofessional and misleading for Williams, without explanation, to base such an incriminating opinion on a factor (the auxiliary searches) so different from the factors previously relied on (VOD and damage at the scene).

In sum, when Mr. Campriello asked Williams, Could it have been another kind of bomb or no? , the question, reasonably interpreted, meant: Could it have been another kind of bomb or no, based on your expert analysis of the damage at the crime scene? In any event, even if the questioning was inept, Williams had an obligation to restrict his opinions to his scientific analysis and to refrain from speculating about what the main

charge must have been based on the defendants' capacity to manufacture a particular explosive. Williams' answer to Campriello's question should have been compatible with the answer he gave us: [The main explosive] could have been anything. We conclude that by answering instead, [T]he bulk of the explosive was, in my opinion, urea nitrate, Williams failed in his responsibility to provide the court with an objective, unbiased expert opinion.

c. Weight of the Explosive

Williams testified at the Salameh trial as follows concerning the weight of the explosive used in the Trade Center bomb:

Q. And based on your conclusion concerning the type of explosive did you estimate the quantity of explosive that was necessary to do the damage that you saw at the World Trade Center?

A. Yes, I did. And that kind of an analysis, once you recognize the velocity of detonation of the explosive, and you recognize the amount of damage that was created, you're able to kind of estimate how much explosive it would cause in a given environment to create that kind of damage. My initial estimate was somewhere between a thousand and 1500 pounds. That was within a day or two after. And that's about what I estimated, somewhere within that range. As a ballpark figure, about 1200 pounds.

If you recall, one of the variables, and why I'm such a large bracket, if you recall last Thursday I showed you some of the charts that showed configuration of explosives with the arrows going off at right angles and the Monroe effect with the shaped charge. The Monroe effect is how the shaped charges work and cut the steel with opposing angles. Without knowing the configuration of the explosive that's why we have such a tremendous variation.

In his OIG interview he explained further:

OIG: . . . [W]hat is it that gets you to between 1,000 and 1,500? What is it about the damage that leads [you to] that conclusion?

AGENT WILLIAMS: Well, after looking at the -- and estimating a velocity of detonation, I'm able to estimate the type of explosives that could have been used.

And in looking at the same or similar type properties of what caused me to guess a velocity of detonation -- the size of the crater, damage to surrounding vehicles, the distance from the scene of the explosion where different materials were damaged and how they were damaged at those areas -- these things caused me to come up with that conclusion.

. . . .

These things produced an impression on me that, where the charge was and how it came apart and comparing it with other tests that I have done with somewhat smaller charges and what I could assume I would find with something with about 1,000-pound charge.

Some of the same considerations that apply to Williams' testimony about VOD apply here. First, his analysis is intuitive, unscientific, and imprecise: you're able to kind of estimate how much explosive (emphasis added); Williams testified on cross-examination that he was speculating about the weight of the explosive; [t]hese things produced an impression on me. Second, the weight estimate was dependent on the VOD estimate (If you vary one, of course, you have to vary the other), and as discussed above the VOD estimate was itself speculative.

Third, EU examiners normally do not estimate the quantity of explosives because the placement and confinement of the explosive has such a significant effect on the amount of damage. As EU Chief Thurman told us:

We do not, on a routine basis, say that the damage in the area, with the exception of, you know, of the components, now, with the exception of the components, that the area has been destroyed with a particular type of explosive, or, more

importantly, the quantity of explosives, because the placement of the device, the physical confines or lack of confines that the device is exploded in and around, was significantly impede -- or go into the determination of how much explosives were used and, in some cases, what type of explosive was used.

And we try to show this actually during our training in that you can't say that, as example, three cartridges of dynamite were used in this explosion in the ground because we can put three cartridges of dynamite on top of the ground, shoot that, take three cartridges of dynamite and dig a hole and put them in a hole and then we can take three cartridges and put them in a hole and cover it up, and you'll have vastly differing damages there.

On the other hand, Williams' estimate of the quantity of explosives was quite broad: 1000-1500 pounds, with 1200 pounds as a ballpark figure. The thrust of his trial testimony about quantity was that it was a rough estimate: you're able to kind of estimate how much explosive. Viewing agent Williams' estimate of weight in that light, we conclude that it was within his expertise to render such an opinion.

C. Williams' Testimony Regarding the Attempt to Modify Whitehurst's Dictation

Whitehurst alleges that Williams gave inaccurate testimony regarding an attempt by Williams to modify a report (dictation) written by Whitehurst. The evidence supports Whitehurst's claim.

On June 15, 1993, Whitehurst submitted dictation to Williams for inclusion in the official reports of the case. The dictation included the following language:

Solid probe mass spectrometry was also utilized to analyze specimen Q15 for the presence of residues of urea nitrate. The results of this analysis were consistent with the presence of urea and nitric acid. *However these materials are also found from this analytical method following analysis of other materials such as*

extracts of urine and fertilizer. Therefore without a confirmation of the presence of trace amounts of urea nitrate, a conclusion can not be rendered concerning the presence of this material on the evidence. Such a confirmation technique is not known to this examiner at this time. . . .

Specimen Q23 was also analyzed with solid probe mass spectrometry to determine the presence of residues of urea nitrate. The results of this analysis were consistent with the presence of urea and nitric acid. *However, these materials are also found from this analytical method following analysis of other materials such as extracts of urine and fertilizer. Therefore without a confirmation of the presence of trace amounts of urea nitrate, a conclusion can not be rendered concerning the presence of this material on the evidence. Such a confirmation technique is not known to this examiner at this time.*

(Italics added.)

After receiving Whitehurst's dictation, Williams asked James Corby, Whitehurst's Unit Chief, whether the sections of the dictation that are italicized above could be removed. According to Corby, Williams wanted those things deleted. Corby refused to alter the dictation. A meeting was held with James Kearney, the chief of the SAS, Alan Robillard, the Assistant SAS Chief, Corby, and Williams. Kearney and Robillard decided to leave the dictation substantially unchanged, and Williams agreed to this decision.

Regarding the passages Williams wanted taken out, Williams told us at the OIG interview:

I felt that was fluff, that wasn't necessary. . . . And the fact that he's putting in any possibility of where this material could have come from was bullshit.

The only thing -- if he was going to go into where these chemicals could have originated from, why didn't he make an opinion that this Trade Center could have been damaged by an

act of God or lightning?

At the Salameh trial, Williams testified as follows:

Q. Now, early on in this investigation, because you're the case agent, you reviewed many of the reports that were written by the other chemists. Am I correct?

A. That's right.

Q. And you were dissatisfied with some of those reports because you didn't like the phraseology of the language. Am I correct?

A. Not the phraseology, the format.

Q. The format.

And when we talk about format, the specific part of the format that you didn't like is when those opinions gave alternate reasons for finding some residue. Am I correct?

A. That's not correct.

Q. Well, when they said that, say like for urea nitrate, in those reports when it said, urea nitrate could have come from sewage, you were dissatisfied with those kinds of conclusions; weren't you?

A. No, I was not.

Williams went on to testify about making some innocuous changes in the format of a report other than Whitehurst's June 15, 1993, dictation quoted above.

Although defense counsel's questions lack precision, we think a fair construction of them implicated Williams' attempt to modify Whitehurst's June 15, 1993, dictation. The sections Williams wanted deleted from that dictation provided innocent explanations for the residue results as alternatives to a more incriminating explanation--e.g., urine and fertilizer as alternatives to urea nitrate. Accordingly, when counsel asked Williams, And when we talk about format, the specific part of the format that you didn't like is when those opinions gave alternate reasons for finding some residue. Am I correct? , Williams erred when he answered, That's not correct. Similarly, when counsel asked, Well, when they said that, say like for urea nitrate, in those reports when it said, urea nitrate could have came from sewage, you were dissatisfied with those kinds of conclusions; weren't you? , Williams again erred when he answered, No, I was not. We conclude that Williams' answers to these questions were, at a minimum, misleading.

D. Other Allegations

In his January 8, 1996, letter to the OIG, Whitehurst made numerous other allegations concerning Williams' testimony in Salameh.

1. In his testimony Williams attempted to distinguish high from low explosives by saying that the velocity of high explosives is above, and the velocity of low explosives below, 3000 feet per second. This is technically incorrect (see Attachment C, infra), but a common error, which was harmless here.

2. Whitehurst criticizes Williams' general testimony about dynamite. We find Williams' testimony substantially accurate and within his area of expertise. Any technical errors (e.g., what is or is not carbonaceous) were harmless and insignificant.

3. Williams was technically incorrect when he testified urea nitrate which is urea and nitric acid, or nitro urea, urea with sulfuric acid. Urea nitrate does not consist of urea and nitric acid; urea and nitric acid when mixed form a new substance, urea nitrate. Nitrourea is made by mixing urea nitrate with sulfuric acid. Although these errors are inconsequential, it

may have been preferable for a chemist to testify to these matters.

4. Williams' attempts to explain how nitroglycerin will precipitate from a methanol solution and how nitroglycerine decomposes were poor. A knowledgeable chemist could have provided better explanations. Nevertheless, Williams was asked the questions, and he no doubt did his best to answer them accurately. Williams should have told the prosecutor ahead of time that these matters would be best left to another witness.

5. Williams was asked what the components of urea nitrate are, and he said, urea and nitric acid. We think the answer was a fair response to the question. Urea and nitric acid are the ingredients, which when mixed form a new substance, urea nitrate. One definition of component is ingredient. Webster's Ninth New Collegiate Dictionary 270 (1990).

6. Whitehurst claims that Williams testified falsely that he (Williams) researched the use of urea nitrate in the United States. This claim is apparently based on the fact that Whitehurst did research on the subject. That Whitehurst did some research does not mean Williams did not. Williams insists that he did some research. Accordingly, we conclude that Whitehurst's claim is unfounded.

7. Whitehurst criticizes Williams' testimony about the possible explosive uses of certain materials. Generally, we have no problem with Williams' testimony on this subject, and believe it was within his area of expertise. Williams can be second-guessed on certain matters (e.g., the discussion of phenol), but any errors were harmless and insignificant.

8. Whitehurst's claim that Williams cannot consider the results of a chemist's analysis in rendering Williams' own opinion is frivolous.

9. Whitehurst criticizes Williams' description of nitrocellulose. We think that Williams' description was accurate for one form or type of nitrocellulose, but was not a good generic description.

10. Despite Whitehurst's criticism, we find that Williams' testimony about

the use of smokeless powder and lead azide as initiators is substantially correct.

11. Despite Whitehurst's criticism, we are not concerned with Williams' testimony that when he arrives at a blast scene he look[s] for structural damage to see what repairs have to be done. Obviously, an EU examiner will not himself direct the repairs, which will be handled by appropriate experts.

12. Contrary to Whitehurst's claim, it is within an explosives examiner's expertise to identify explosive damage on metal.

13. Whitehurst complains that Williams testified outside his area of expertise when he discussed the matching of two pieces of tape. Williams has only been qualified in the FBI Laboratory in the areas of explosives and toolmarks. In the testimony challenged by Whitehurst, however, all Williams did was describe the measurements and observations he made, which was merely a factual description. This testimony was given without objection. We think it was permissible for Williams to answer the questions asked.

14. Whitehurst criticizes Williams' testimony about blast damage to portions of a truck. Although Williams is not a metallurgist, we think it was within his area of expertise to testify that he observed blast damage to the truck.

15. Whitehurst criticizes Williams' testimony about freezing and frozen nitroglycerine. We, however, find no contradiction in saying that the process of freezing nitroglycerine is dangerous, but that frozen nitroglycerine is stable.

16. We disagree with Whitehurst's assertion that because some of the pieces of debris were the size of toothpicks the main charge at the Trade Center could not have been a heaving explosive.

17. Finally, Whitehurst complains that some of Williams' testimony did

not meet the test of Daubert v. Merrell Dow, 113 S. Ct. 2786 (1993), because Williams did not use the scientific method, which involves the testing of hypotheses. Although evidentiary questions are beyond the scope of this Report, we note that the discussion of expert testimony in Daubert was limited to scientific . . . knowledge and not technical, or other specialized knowledge. 113 S. Ct. at 2795 & n.8. Much of Williams' testimony could be viewed as based on technical or other specialized knowledge within the meaning of Daubert.

III. Pre-Trial Issues

Several controversies occurred, and were resolved to Whitehurst's satisfaction, before the trials in the World Trade Center case.

A. Specimen Q23

Immediately after the Trade Center bombing, the chemists in the FBI Laboratory specializing in explosives residue analysis (MAU chemists Whitehurst and Burmeister), went to New York City to conduct examinations at the blast scene. That left no chemists specializing in explosives residue analysis at the laboratory in Washington. When specimens were sent back to the laboratory for examination, the examinations were conducted by chemists in the CTU, Unit Chief Roger Martz and Lynn Lasswell.

Specimen Q23 was a tire fragment recovered from the crime scene. Lasswell analyzed it with solid probe mass spectrometry and concluded that urea nitrate was detected on the specimen. Martz as unit chief approved Lasswell's conclusion, which was incorporated in an official report and distributed April 12, 1993. This conclusion would have been extremely helpful to the prosecution because it would have tended to establish that urea nitrate was used in the Trade Center bomb.

Whitehurst and Burmeister disagreed with Lasswell's conclusion on the ground that the instrumental results only really showed the presence of urea and nitric acid, which could have originated from substances other than urea nitrate--e.g., urine, fertilizer, car exhausts, or ice melter. Whitehurst's and Burmeister's objections, however, were overruled.

Whitehurst and Burmeister then prepared a blind test for Martz by submitting to him specimens they claimed were from the Trade Center evidence. In reality, Whitehurst and Burmeister prepared one sample from Whitehurst's urine and another by mixing ammonium nitrate fertilizer and urea. According to Burmeister, the results were close enough that you wouldn't be able to tell the difference from running a sample of urea nitrate. (Martz insists he never rendered an opinion that these samples were urea nitrate, but said only that the instrument detected urea and nitric acid.) With the blind test results, Whitehurst and Burmeister went to Assistant Section Chief Robillard, who scolded them for making the blind test.

Eventually, Corby directed Whitehurst to make a review of Lasswell's results and to write a new dictation. Whitehurst made the review and wrote the dictation. Whitehurst's dictation was incorporated into a new official report amending the April 12, 1993, report. The new report is dated July 1, 1993. At the Salameh trial, Burmeister testified in accordance with Whitehurst's dictation. Martz told the OIG in 1996 that he no longer agrees with Lasswell's original dictation because the results could have been produced by urea and nitrates rather than urea nitrate.

Ultimately, the FBI Laboratory correctly resolved the controversy concerning Q23, although the resolution procedure (blind tests, etc.) was flawed. Moreover, the chemist who examined Q23 should have been trained in the explosives residue protocol.

B. Specimen Q65

The Barringer Ion Mobility Spectrometer (IMS) tests for the presence of particular molecules. When a sample is introduced, a graph is produced with peaks. Certain substances have distinctive graphs or peaks. If a distinctive peak is produced, an inference can be drawn that a particular substance is present. The manufacturer programs the memory of the instrument to identify common explosives such as nitroglycerine. The user of the instrument can also program the memory to identify certain peaks.

Lasswell introduced a urea nitrate sample in the IMS and produced a particular peak. He then programmed the memory of the instrument to indicate the presence of urea nitrate whenever that peak reappeared. When specimen Q65 was submitted to the IMS, a graph was produced, and the machine automatically identified one of the peaks as urea nitrate.

When Whitehurst reviewed Lasswell's instrumental results to prepare the dictation that went into the July 1, 1993, official report, he examined the IMS graph for Q65. Whitehurst took the position that the peak was not for urea nitrate specifically, but was just a nitrate peak that would be produced by certain nitrates, including but not limited to urea nitrate. Based on this, Whitehurst took issue with Lasswell's decision to program the memory of the IMS to identify the particular peak as urea nitrate. He wrote the OIG (in one of his first submissions to us) as follows:

We [Whitehurst and Burmeister] pointed out that Mr. Lasswell had altered the output of one instrument to reflect information that would have, if presented in its altered manner, been scientific fraud, unethical, wrong and very damning to the defense position in this matter.

Whitehurst stated in a letter to the OIG that the analytical output was purposely altered to read '<urea nitrate' in order to deceive the innocent reader of the computer printout. This claim is grossly overstated and without merit.

Both Lasswell and Martz insist that the IMS was used only as a screening mechanism to determine whether urea nitrate was possibly in the specimen. Lasswell asserted that when he identified the presence of urea nitrate in Q65 in his original dictation, he relied on instruments other than the IMS.

Whitehurst acknowledged in his OIG interview that the IMS could properly be used as a screening device for urea nitrate. Moreover, in his own dictation for Q65, Whitehurst stated as follows:

White crystalline material adhering to specimen Q65 was analyzed with Fourier transform infrared spectrophotometry, IMS

and solid probe/triple quadrupole mass spectrometry. These analyses identified the presence of urea nitrate.

(Emphasis added). When Whitehurst was asked at his OIG interview whether he was saying that Lasswell intentionally tried to create false information, Whitehurst stated, No, no.

We conclude that the implication in Whitehurst's assertion--that Lasswell engaged in something like scientific fraud, [which was] unethical, wrong and very damning to the defense position in this matter --is unfounded. Although labeling the peak on the IMS graph as a urea nitrate peak was potentially misleading (because the peak could be caused by other nitrates), the IMS could properly be used as a screening device for urea nitrate. Accordingly, we find that Lasswell engaged in no misconduct in his work with the IMS.

C. Other Matters Involving Williams

At one point in the Trade Center investigation the government was preparing affidavits for search warrants and wanted to use an examination by Whitehurst that found nitroglycerine on a specimen. Although Whitehurst found nitroglycerine, he refused to make a positive identification because of the possibility of contamination by a bomb technician. Instead, he was only prepared to say that the results were consistent with the presence of nitroglycerine on the specimen. Williams argued strongly for Whitehurst to make a definite assessment. Whitehurst considered this argument to constitute undue pressure to get me to change the wording in my report.

Although we do not know the exact words Williams used, we find no impropriety in Williams discussing the matter with Whitehurst to determine whether a more definite conclusion could be reached. Ultimately, the report was not changed.

Additionally, Williams changed the format of one of Whitehurst's dictations when Williams issued one of the official reports. With a series of specimens, Whitehurst set forth each instrument he used to examine each specimen. Williams made a list of all the instruments and said one or more was used with each specimen, and then just set forth the results with respect to each specimen. Williams also replaced the language

None of these explosives were detected on the specimens with Analysis was conducted with negative results. Whitehurst protested the changes, and a new report was issued containing his dictation verbatim.

We consider the changes in format innocuous. One of the reasons Williams gave for the changes, however, is troubling. In referring to Whitehurst's habit of always setting forth, at length, the technical examinations made, Williams stated: [I]f I've got to retype this there's always the possibility of a typographical error and it's a pain in my neck to do it everytime.

A principal examiner (PE) is supposed to include verbatim in the official report the dictation of an auxiliary examiner (AE) unless the AE and the AE's Unit Chief agree to the change. In the Trade Center case Williams was the PE and Whitehurst an AE. The verbatim-inclusion rule is fundamental and should not be broken at any time. The burden of retyping a lengthy or technical dictation is an inadequate reason for violating the rule.

D. Allegation Concerning SSA Haldimann

In December 1993 Whitehurst submitted a memorandum to the OIG concerning a conversation he had with SSA Don Haldimann on December 15, 1993. According to Whitehurst, Haldimann stated that the Assistant United States Attorneys (AUSAs) in the Trade Center case had grave concerns about the complexity of Whitehurst's dictation and thought the information in the dictation could be damaging to the case. Whitehurst further asserted that Haldimann said that the U.S. Attorney's Office had inquired into means of circumventing my testimony in this matter and is displeased with my expert opinion as it is stated because it offers strength to the defense side in this matter. Whitehurst characterized Haldimann's statements as indicating possible suppressions of evidence by the U.S. Attorney's office . . . [which] can be deemed to be fraudulent and unethical.

At the Rahman trial, Whitehurst testified that after the December 15, 1993, conversation he met with the prosecutors in the World Trade Center case and felt no pressure from the lawyers on the prosecution team. He testified further, however, that in the December 15, 1993, conversation he felt pressure from Haldimann to take out the qualifying statements in his

dictation. Whitehurst acknowledged that the conversation with Haldimann occurred at a Christmas party.

In his OIG interview Haldimann stated that the conversation on December 15, 1993, was a personal conversation at a Christmas party and lasted about 10 or 15 minutes. Haldimann stated that in the conversation Haldimann was merely giving his opinion that the dictation was confusing and included superfluous information and that simpler reports would be better. Haldimann insisted in the interview that he was in no way asking or attempting to influence Whitehurst to change the reports ; the reports had already been provided to the defense attorney in discovery, and therefore the point was moot. Haldimann stated in the interview that it was his impression that the AUSAs in the case were distressed about Whitehurst's dictation, and he did tell Whitehurst that the AUSAs did not want to put Whitehurst on the stand. Finally, Haldimann stated in the interview that no one directed him to talk to Whitehurst.

Whitehurst did not change his dictation as a result of the Haldimann conversation, and Whitehurst was agreeable to having Burmeister testify at the Trade Center trials.

Although we are unable to determine the specific words used in the December 15, 1993, Christmas party conversation, we think Whitehurst grossly overstated the matter in his memorandum. Whatever was said in this brief conversation does not constitute or evince suppressions of evidence . . . [which] can be deemed to be fraudulent and unethical. Although both Whitehurst and Haldimann may have raised their voices during this conversation, ultimately it signified nothing.

IV. Conclusion

We are profoundly disturbed by Williams' testimony in the Salameh trial. We conclude that Williams (1) gave inaccurate testimony regarding his role in the manufacture of urea nitrate and regarding whether the urea nitrate was made pursuant to Arabic formulas from bomb-making books; (2) testified beyond his expertise regarding the defendants' capacity to make urea nitrate and in a way that made the testimony appear tailored to the most incriminating result; (3) gave incomplete testimony concerning the VOD of urea nitrate; (4) gave an invalid opinion regarding

the VOD of the main charge; (5) gave invalid and misleading opinions on direct examination concerning the explosives that may have been used in the bombing; (6) regarding his identification of the main charge on cross examination, gave an opinion that was based on speculation beyond his scientific expertise and that appears tailored to the most incriminating result; and (7) gave misleading testimony concerning his attempt to modify Whitehurst's dictation. In short, the testimony lacked the objectivity, credibility, and competence demanded of examiners in the FBI Laboratory.

Williams' testimony also suggests the need for certain improvements in Laboratory procedure that we discuss in detail in Part Six of this Report. For example, Williams' testimony about a specific VOD had no precedent in the FBI, and we found it to be scientifically unjustifiable. This error would have been avoided had Williams followed the ASCLD/LAB requirement that new procedures be validated before they are used in casework. Similarly, the need for complete case notes was exemplified by the absence of any notes supporting Williams' claim that he determined the VOD of urea nitrate from conversations with persons outside the Laboratory. Further, Williams' lack of a scientific background may have been the cause of his difficulty with the stoichiometric calculations. Finally, clear guidelines regarding what is within an EU examiner's expertise may have helped Williams avoid other problems identified in this section.

The pre-trial issues present relatively minor matters, but exemplify the need to follow applicable protocols and to have an orderly dispute-resolution procedure within the Laboratory.

#####

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/28/95

ABDUL BASIT MAHMOUD ABDUL KARIM, hereafter referred to as "BASIT", Date of Birth, April 27, 1968, at Kuwait, was interviewed aboard an aircraft en route from Islamabad, Pakistan, to the United States (U.S.) of America.

BASIT advised that he could fluently speak, read and understand the English language. He was advised of the official identities of the interviewing Agents and was reminded that he was under arrest for offenses concerning the bombing of the World Trade Center (WTC) in New York City. He was, thereafter, advised of his constitutional rights by reading them and having them read to him by Special Agent (SA) STERN, from an "Interrogation; Advice Of Rights" form.

BASIT advised that he understood his rights as explained to him from the form, and agreed to answer questions. He signed the "Waiver Of Rights" portion of the form, using the name "BALUCH", and stated that this was a name he had been utilizing recently.

From the start of the interview, BASIT insisted that the interviewing Agents refrain from taking any notes or recording the interview in any manner; he indicated that he desired to speak with the Agents, but maintained that with the absence of notes or recordings, he could deny at a later date any statements that he made. He further remarked that he had also given considerable thought as to plausible explanations for his fingerprints being present at various locations.

Due to BASIT's request, notes were not taken in his presence, but were summarized during breaks in the interview.

During the course of the interview, BASIT stated, in part and in substance, the following information:

Investigation on 2/7-2/8/95 at Aircraft In Flight File # _____

SAs CHARLES B. STERN, FBI/

BRIAN G. PARR, USSS/cab

Date dictated 2/9/95

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM , On 2/7-2/8/95 , Page 2ACTIVITIES PRIOR TO WTC BOMBING:

He was born in Kuwait on April 27, 1968, to Pakistani parents. He remained in Kuwait until the age of twenty, attending and completing his education there at the Al-Faheel School.

He thereafter attended the West Glamorgan Institute of Technology in England, studying electrical engineering.

At some point following his formal education he traveled to Afghanistan where he received training in various weapons and techniques; he mentioned firing a Soviet made tank, and noted that at the camp in which he trained there were Stinger missiles. He did not fire these, but did train with Soviet shoulder fired "RPGs".

He described these camps as being run by Arabs; following their training, the students would return to their countries of origin to fight for various causes.

He stated that the Afghan Government provided land for these camps, but did not support them financially.

He noted that the training lasted approximately six months, but he would not be more specific about the location or other details about the camps.

TRAVEL AND ENTRY INTO THE UNITED STATES:

BASIT had met AHMED AJAJ during the previous training in Afghanistan. In or around August, 1992, he again became associated with AJAJ in Peshawar, Pakistan. He would not elaborate on the circumstances of their meeting or the nature of their association.

In early September of 1992, he and AJAJ boarded a Pakistani International Airline (PIA) flight from Pakistan to the U.S. He explained that they traveled First Class because First Class passengers are subject to less scrutiny than other passengers.

When departing, BASIT utilized a Swedish passport in the name of KURRAN KHAN, with BASIT's photograph substituted for the photo which had been in place.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM, On 2/7-2/8/95, Page 3

AJAJ departed utilizing a British passport in the name of MOHAMMAD AZAN, as AJAJ slightly resembled the photograph of AZAN on that passport.

(BASIT noted that he was acquainted with the real MOHAMMAD AZAN, but that the passport had been purchased on the black market. BASIT remarked that it is common for individuals to sell their passports on the black market in Pakistan, and then to report them as having been stolen.)

Once on the aircraft, BASIT removed his own photograph from the KURRAN KHAN passport, and substituted the photograph of AJAJ. He then gave the KHAN passport to AJAJ, explaining to him that since AJAJ's English was not good, he should not attempt to enter the U.S. using the AZAN British passport.

Upon entry at JOHN F. KENNEDY INTERNATIONAL AIRPORT (JFKFIA), in New York, BASIT utilized an Iraqi passport in the name of RAMZI AHMED YOUSEF.

BASIT explained that he had purchased the Iraqi passport for \$100.00 U.S. dollars in Peshawar, Pakistan. He noted that Peshawar is the easiest place to purchase Iraqi passports and further explained that these are genuine documents stolen by Iraqi rebels who raid passport offices in Northern Iraq.

When presenting the Iraqi passport to U.S. Immigration Officials, BASIT requested political asylum, and was processed and released.

AJAJ, who presented the photo substituted KURRAN KHAN Swedish passport, was detained by U.S. Immigration Officials for his entry using false documents.

AJAJ carried with him numerous materials containing information related to explosives, weapons and tactics. BASIT stated that these materials belonged to AJAJ, and had been purchased by AJAJ in Peshawar, where they are readily available. BASIT indicated that the materials were carried in AJAJ's checked baggage.

BASIT himself carried only a piece of hand luggage.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM , On 2/7-2/8/95 , Page 4

When questioned as to how an "Al-Bunyan Islamic Center" identification card bearing BASIT's photograph came to be located in the materials he attributed to AJAJ, BASIT explained that because the card bore the name KURRAN KHAN, Immigration Officials at JFKIA had mistakenly placed the card, seized from BASIT, in with AJAJ's possessions, as AJAJ was then using the KURRAN KHAN name.

Regarding the Al-Bunyan card itself, BASIT related that these cards were printed in Peshawar, Pakistan, to his specifications, to be used as secondary identification with any passport he was using. He noted that the Al-Bunyan Islamic Center was an actual entity, related in some way to an Islamic newspaper.

BASIT stated that this was his first visit to the U.S.; the purpose of the visit was to see what the U.S. was like and to select targets to bomb. He indicated that he possessed only a few dollars and had no contacts in the U.S., other than AJAJ, with whom he traveled.

Prior to their arrival in the U.S., AJAJ had provided BASIT with the telephone number of one of AJAJ's contacts, MOHAMMAD ABUKHDIER of Dallas, Texas. As BASIT did not know where he was to be residing, AJAJ gave him ABUKHDIER's number, so that BASIT could get in touch with AJAJ.

After being released by Immigration Officials, BASIT approached a Pakistani cab driver at the taxi stand outside of the airport. He explained to the driver that his friend had just been detained by Immigration Officials, and that he had nowhere to go. The cab driver then took BASIT to some unidentified location or locations.

BASIT was vague regarding his meeting of MOHAMMAD SALAMEH and MAHMOUD ABOUHALIMA; he did note that they met completely by chance, and that a mosque was involved. He maintained that he had not known SALAMEH and ABOUHALIMA prior to entering the U.S. BASIT otherwise declined to discuss the circumstances of their meeting.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM, On 2/7-2/8/95, Page 5WTC BOMBING PLOT:

BASIT related that he selected the WTC as a bombing target, and visited the site four or five times to determine a method of attack. "

His motivation for bombing a target in the U.S. was retaliation for U.S. aid to Israel. He added that an attack on an Israeli target was extremely difficult due to high security, and that if an attack on an enemy was not possible, then one should "attack a friend of your enemy". His desire for retaliation against Israel was based on his knowledge of Israeli occupation of the Palestinian homeland, and Israeli oppression of the Palestinian people.

His specific choice of the WTC as a target was due to his desire to topple one tower into the other, and cause a total of 250,000 civilian deaths. He noted that this was the number of civilian casualties which occurred as a result of the U.S. atomic bombing of Hiroshima and Nagasaki during World War II. The heavy civilian loss of life would bring the attention of the American people to the plight of the Palestinians and cause Americans to realize that continued support of Israel would result in what was, in effect, a war which resulted in civilian casualties.

WTC BOMBING DEFENDANTS:AHMED AJAJ:

BASIT maintained that he and AJAJ traveled to the U.S. together, with AJAJ carrying various manuals and materials containing information related to explosives, weapons and tactics.

BASIT would not go into detail as to the circumstances of his exact relationship with AJAJ; however, he did relate that, while AJAJ was incarcerated in the U.S., the two spoke regularly, via telephone, through MOHAMMAD ABUKHDIER. During some of these telephone conversations, AJAJ attempted to arrange for BASIT to retrieve the materials which AJAJ had been carrying when they entered the U.S.

BASIT noted that he needed the AJAJ materials because they contained the formula that was necessary to construct the

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM, On 2/7-2/8/95, Page 6

WTC bomb. He further related that AJAJ had attempted to arrange for BASIT to retrieve the materials at the office of AJAJ's attorney, but BASIT did not like that idea.

In the absence of the AJAJ materials, BASIT instead contacted a former acquaintance from Kuwait, an individual named "AL-GOUL" (phonetic), who was then residing in Canada.

BASIT related that AL-GOUL was studying chemistry at a university there, but did not have a sufficient knowledge of explosives chemistry to provide BASIT with the information required. BASIT then requested AL-GOUL to research some chemistry texts for the necessary information, but for some reason this did not prove satisfactory.

BASIT stated that he eventually contacted an unidentified individual in Peshawar, Pakistan, and arranged to have the necessary information sent to him "by post".

He noted that he had not specifically informed AL-GOUL of the reason of his request for the explosives information, but advised that AL-GOUL most likely knew the general nature of the information's ultimate purpose.

When questioned as to telephone calls made from prison by AJAJ, through ABUKHDIER, to a telephone at 73 Garrison Avenue in Jersey City, BASIT related that he was the recipient of the calls. He noted that he had arranged to be at that location through an Egyptian male with whom he was acquainted; he notes that this Egyptian was then the boyfriend of the telephone's subscriber, PALMA BENKO.

He stated that neither BENKO nor the Egyptian were involved in the bombing plot.

He was questioned regarding a male named MALIK ELDIN, who was also acquainted with BENKO, and who had reportedly been sponsored for his U.S. visa by an individual named "ABDUL", residing at 34 Kensington Avenue, Jersey City. He noted that he was aware of ELDIN and that the "ABDUL" who sponsored him was ABDUL RAHMAN YASIN. However, BASIT maintained that ELDIN was not involved in the plot and that YASIN had written the letter through an arrangement with BENKO.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM, On 2/7-2/8/95, Page 7MAHMOUD ABOUHALIMA:

BASIT related that he had first met MAHMOUD ABOUHALIMA, by chance, shortly after BASIT had entered the U.S., and that a mosque was somehow involved. He would not otherwise elaborate.

BASIT stated that ABOUHALIMA had never been present with the RYDER van at a Jersey City, New Jersey, gasoline station on the morning of the WTC bombing. He maintained that the government witness who had testified to ABOUHALIMA's presence at the station had fabricated the story, and opined that the government must have paid him for his testimony.

He noted that the van could not have been at the gasoline station on the morning of the bombing, because it had been taken to Brooklyn, New York, on the evening that it was reported stolen. BASIT related that the van had actually been taken to the Jersey City SHOPRITE store, from where it was supposed to have been stolen and was then driven, that evening, to a location in Brooklyn, New York.

Although BASIT would not specifically identify the Brooklyn location where the van was taken, he did, when questioned about "the storage facility next door", state that "they" did not know that the storage facility was there until after they had arrived at the location, and that the storage facility was not involved.

He did remark that the van was kept in a "car park" at the Brooklyn location.

Concerning MAHMOUD ABOUHALIMA's involvement in the plot, BASIT acknowledged that ABOUHALIMA had been present at 40 Pamrapo Avenue, Jersey City, where chemicals were mixed, but would not elaborate on ABOUHALIMA's involvement. BASIT did opine that ABOUHALIMA's presence at 40 Pamrapo Avenue did not represent evidence of his involvement in the bombing, as others, including the telephone repairman, had also visited that location.

MOHAMMAD SALAMEH:

BASIT related that he had first met MOHAMMAD SALAMEH, like MAHMOUD ABOUHALIMA, by chance, shortly after BASIT had entered the U.S., and that a mosque was involved. BASIT would

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM . On 2/7-2/8/95, Page 8

not further elaborate on the meeting. He did note that he subsequently became roommates with SALAMEH.

At one point in the interview, BASIT was asked whether he knew Sheik OMAR ABDEL RAHMAN. He replied that he became interested in RAHMAN from hearing people speak about him. While residing with SALAMEH, BASIT requested that SALAMEH introduce him to RAHMAN, as he was aware that SALAMEH was acquainted with RAHMAN. SALAMEH, thereafter, took BASIT to RAHMAN's residence in Jersey City, where they had dinner and visited for about one hour. BASIT claimed that he had no other contact with RAHMAN, and also indicated that he had never discussed with RAHMAN his intentions to target U.S. interests.

When questioned as to why SALAMEH had returned to the rental agency, following the bombing, to retrieve his \$400.00 deposit on the RYDER van, BASIT exclaimed "stupid!"

BASIT stated that he knew that the rental of a van for use in the bombing was not the optimal choice, due to the fact that it could be traced; he noted that his first choice, given sufficient funds, would be to purchase a van. However, due to lack of money, the rental of a van was considered the next best choice.

He had also considered stealing a van, but concluded that a theft would be "too risky", as if they were caught either stealing or possessing a stolen van, then their entire operation would be "finished".

When questioned as to what license plate was on the van when it was taken into the WTC, BASIT stated that the original Alabama license plate was left on the vehicle. He noted that he considered stealing a different license plate, but thought this to be risky, as it could be subsequently reported stolen.

BASIT claimed that he had warned SALAMEH and others involved in the plot that they should leave the U.S. immediately following the bombing; their failure to do so indicated to him that they were "stupid".

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM On 2/7-2/8/95 Page 9NIDAL AYYAD:

BASIT indicated that although NIDAL AYYAD was a chemical engineer, AYYAD did not possess a strong knowledge of chemistry as it related to explosives. BASIT remarked that even if a person is an expert in a particular field, such as chemistry, he might only have a knowledge of ten per cent of that field.

BASIT would not further elaborate on AYYAD's role in the bombing plot, but remarked that although materials related to the credit claiming letter had been found on AYYAD's office computer, BASIT had been the actual author of the letter.

ABDUL RAHMAN YASIN:

BASIT noted that ABDUL RAHMAN YASIN was involved in the plot, but described him as not being a "central motivator" in the plan.

He characterized YASIN as not being an intelligent individual, but stated that he recruited YASIN into the plot because help was needed in "moving stuff" from place to place.

BASIT related that YASIN had burned his leg with acid while at 40 Pamrapo Avenue. He noted that YASIN could not seek treatment for the burn from a medical doctor, because questions might be asked regarding the origin of the burn; BASIT believes that YASIN instead was treated by YASIN's mother at YASIN's residence.

BASIT believed that YASIN was now residing in Iraq with his family, and offered that it would be characteristic of the Iraqi Government to put pressure on YASIN's family members in order to obtain information regarding the bombing.

Regarding YASIN's brother, MUSAB YASIN, BASIT indicated that BASIT had occasionally joked with MUSAB about bombing buildings in New York, but that BASIT never recruited MUSAB to assist in the plot, due to MUSAB's busy schedule in teaching college and MUSAB's tendency to "talk too much".

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM , On 2/7-2/8/95 , Page 10

UNIDENTIFIED CO-CONSPIRATOR:

During the course of the interview, BASIT made reference to an additional person involved in the WTC bombing plot, and remarked that "there is one guy, I'm surprised that you have never found out about him". However, BASIT refused to elaborate or to further identify this individual.

However, when describing the location in Brooklyn, New York, where BASIT had stated the van had been taken prior to the bombing, BASIT noted that this unidentified individual stayed at that location with him.

BASIT also related that this same individual was present in the RYDER van, containing the bomb, as the van was driven down into the WTC parking garage. BASIT indicated that the van contained two people and that one person drove, while the other person got in back and made the final preparations to the explosive, just before entering the garage. He explained that the explosives could not be fully set in place until the last moment, as it was too dangerous to drive the van with the explosives completely set in place.

BASIT indicated that this other individual left the U.S. on the evening of the bombing, via commercial aircraft; however, BASIT noted that he and this individual did not depart on the same flight.

THE WTC IMPROVISED EXPLOSIVE DEVICE (IED):

BASIT was circumspect when questioned regarding the exact makeup of the IED used in the WTC bombing. He stated that he did not wish to elaborate on some areas of its construction, and would not discuss its method of initiation at that time. He noted that he thought that others might want to purchase chemicals and use similar techniques in the future, and he feared that government knowledge of these techniques might hamper those efforts.

He did respond when asked how the device would have appeared if someone had opened the rear door of the RYDER van and looked inside. He noted that first, one would see empty cardboard boxes stacked up, and that these were located there to

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM . On 2/7-2/8/95 , Page 11

conceal the device. He described the boxes as those in which the acid used in the explosive manufacture had come packaged.

He noted that there were also plastic trash cans inside or the vehicle.

The explosive device itself was contained in some type of wooden container of his own design, which he had hoped to use to direct the blast in such a way as to shear the support beams of the WTC tower. However, he noted that the box was "turned the wrong way". He was questioned as to whether he was referring to a "shaped charge", but stated that this was not a shaped charge, although he refused to further explain .

BASIT did describe the main charge of the IED as composed of urea nitrate, but stated that this was not his first preference. He related that he had first wished to use another explosive, which he described as nitrourea. He noted that he had experienced some difficulty in manufacturing such an explosive, and had settled on urea nitrate as a second choice.

He noted that in preparation for the WTC bombing, he had conducted four or five test explosions in rural areas outside of New York City. He indicated that he could not recall the exact locations of these tests, as he had not driven there, but had ridden with others. He asked whether the authorities had become aware of these locations because of residents reporting the resulting noise. ~~He would not provide the identities of others who participated in the testing.~~

When questioned as to whether he had ever traveled in the U.S. outside of the New York Metropolitan area, BASIT replied that he had been to Pennsylvania and Connecticut, but could not recall specific towns or locations.

When questioned as to the presence of hydrogen tanks in the device, he stated that these were there in order to enhance the explosion. He related that "there were supposed to be more" hydrogen tanks, but that, due to a lack of funds, they were unable to purchase additional tanks.

When he was questioned regarding the presence of cyanide in the space station storage locker, BASIT stated that no cyanide was used in the WTC bombing. He noted that he had

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM . On 2/7-2/8/95 , Page 12

considered using hydrogen cyanide in a poison gas attack on the WTC, but that this would have been in place of a large bomb, not as part of such a bomb. BASIT related that a hydrogen cyanide gas attack was discounted by him as being too expensive to implement.

In his discussion regarding the IED, BASIT related that prior to 40 Pamrapo Avenue, Jersey City, being used as a location to mix the urea nitrate explosive, there was another apartment in Jersey City used for this purpose. BASIT could not recall the address or location of this apartment, but indicated that they had relocated to 40 Pamrapo Avenue due to concerns that chemical corrosion of the apartment drains would lead to their detection.

THE BOMBING OF THE WTC:

The RYDER van, loaded with the explosive device, was driven along the main street outside of the WTC and down a ramp in front of the hotel. This ramp leads into a parking level.

(As previously noted, BASIT indicated that the van contained two people, and that one person drove, while the other made the final preparations to the explosive device just before entering the WTC.)

BASIT drew a rough sketch of the WTC parking level and indicated the path of the van. He further indicated a position ~~which would correspond with the south side of WTC Tower One,~~ and stated, "This is where we placed the van". He also made marks on the portion of the sketch corresponding to the southeast corner of that tower, and explained he thought that damage at that area would result in Tower One toppling into Tower Two.

BASIT related that a car had been brought down into the parking level just before the entry of the van; this was used to exit the garage after the placement of the van.

He noted that the initiator for the explosive device (which he would not further describe) had a delay. When attempting to exit the garage in the car, there was seven minutes left on that delay. At that time, their car's progress was blocked by some type of work truck; this obstruction lasted for an additional two minutes.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM, On 2/7-2/8/95, Page 13

He noted that this seemed to him at the time to be "just like a movie", as they waited to make their exit.

BASIT stated that, following their exit from the garage, they drove approximately five minutes in Manhattan, and then stopped and deposited in a mailbox five letters to various newspapers. These letters, BASIT explained, claimed responsibility for the WTC bombing, in the name of the "Liberation Army-Fifth Battalion".

BASIT claimed that the "Liberation Army - Fifth Battalion" is a genuine organization, responsible for numerous bombings; however, he refused to provide any specific information regarding the structure of this organization, or specific attacks for which they had been responsible.

(Following his explanation of how the van had been placed in the WTC parking level, BASIT expressed concern over the disposition of the diagram which he had sketched; subsequently, while handling the sketch, BASIT tore out the center of the diagram, in the area representing WTC Tower One, and destroyed that portion.)

BASIT claimed that following the mailing of the letters, he traveled to the Jersey City waterfront area and observed smoke coming from the area of the WTC towers.

He remarked that he later monitored news reports of the bombing, and was disappointed at the initial report of only one death as its result. He noted that he feared at that time that only the detonator had functioned, but that the main charge had not.

He related that, later that evening he traveled to JFK Airport, where he made a telephone call from a pay telephone to the police, where he claimed credit for the bombing in the name of the "Liberation Army-Fifth Battalion". He stated that he dialed an "800 number" to reach the police, and noted that he could tell that the line was recorded, as he could hear a beeping in the background.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM . On 2/7-2/8/95 Page 14FINANCING OF WTC BOMBING:

BASIT would not elaborate on exactly how the WTC bombing was financed, except to say that he had received money from family and friends. However, BASIT maintained throughout the interview that the plan suffered from insufficient funding, and that his explosive device would have been much more effective if additional funds had been available.

During the course of the interview, BASIT was questioned about telephone calls to an individual in Minneapolis, Minnesota, named ABU HY (phonetic), also known as Daniel Patrick Griffin.

BASIT related that he had met ABU HY by chance in Pakistan, and that they had spoken for a period of approximately one hour at that time. During this initial meeting, BASIT and ABU HY exchanged address information, with ABU HY writing his address in BASIT's address book.

BASIT noted that, just prior to the bombing, BASIT had telephoned ABU HY with the intention of asking him for financial assistance in the bombing. As BASIT did not want to discuss the matter over the telephone, he requested ABU HY to travel to the New York area to meet. However, ABU HY reportedly told BASIT that, due to a lack of funds, ABU HY could not make such a trip.

~~BASIT claimed that these were the only contacts between ABU HY and himself, and that ABU HY was not involved in the WTC bombing plot.~~

TIMING OF THE WTC BOMBING:

BASIT stated that, despite news accounts which speculated that the date of the WTC bombing intentionally coincided with an anniversary of the Gulf War, there was actually no significance to the February 26 date. BASIT maintained that he and the others involved in the plot were not even aware of the Gulf War anniversary date; the bombing took place when it did because the next month's rent at 40 Pamrapo Avenue was due at the end of the month, and they had run out of money.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM, On 2/7-2/8/95, Page 15MANILA:ATTEMPT TO ASSASSINATE PRESIDENT CLINTON:

BASIT advised that in the fall of 1994, he had learned through various press accounts, that President CLINTON would be traveling to Manila in November. BASIT did not indicate where he was located when he learned of the President's trip to Manila.

BASIT claimed that he traveled to Manila a few days prior to the President's arrival. He then made contact with a person he described as an "intermediary", but who he would not further discuss. BASIT described this "intermediary" as someone who put him in contact with a group of Filipino Muslims who would assist BASIT in the assassination attempt.

BASIT would not identify the number or the identities of these Filipino Muslims, nor would he identify any associations those Muslims might have with any organizations or groups.

Once in Manila, BASIT determined the President's planned itinerary through reported press accounts.

BASIT related that he thereafter traveled to each of the sites which the President would visit, in order to survey them for opportunities to attempt an assassination.

He noted that the level of security which he observed at each of these sites was very high; he thought that his presence in Manila might have been detected, raising the level of security there.

BASIT further remarked that, during his surveys in Manila, he had observed a large number of U.S. security forces in areas which the President was scheduled to visit.

After the completion of his site surveys, BASIT considered two options for assassinating President CLINTON.

His first consideration was for an attack on the President's aircraft, either during take-off or landing. He explained that these were the times when the aircraft was most vulnerable to attack.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM , On 2/7-2/8/95 , Page 16

He advised that a variety of methods could be used to attack the aircraft, such as an improvised ground-to-ground missile (which he claimed to have the knowledge and ability to construct), or an ordinary "machine gun". He further noted that an improvised ground-to-ground missile could also be used to attack the President at a speaking location.

The second option which BASIT considered was a bombing attack of the Presidential motorcade while the motorcade was en route between sites in Manila.

BASIT indicated that he considered placing an improvised explosive device in a location along the motorcade route, designed to disable the lead car in the motorcade. He explained that by disabling the lead vehicle, the entire motorcade would be brought to a stop, enabling an explosive or poison gas attack on the Presidential limousine.

He related that he had considered using the chemical agent "phosgene" in the attack on the limousine, and noted that he had the technical ability to readily manufacture that substance. According to BASIT, the phosgene, in a liquid form, could be placed into a metal container, which could then be opened with a charge of explosive, rapidly dispensing the substance as a gas.

BASIT stated that he never considered an attack on CLINTON using a handgun, and maintained that he never actually saw CLINTON in Manila. He did claim that he had observed a Presidential motorcade movement there, noting that it contained approximately sixty to seventy vehicles.

BASIT advised that the assassination attempt on CLINTON was never carried out, due to his observations of high security, and his lack of time needed to plan and organize such an attempt.

SUBSEQUENT ACTIVITIES IN MANILA:

BASIT was questioned regarding his activities in Manila subsequent to his survey regarding President CLINTON's November 1994 visit, and was specifically asked whether Pope JOHN PAUL II was a target of an assassination by BASIT and his associates.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM , On 2/7-2/8/95 , Page 17

He related that his associates had been interested in the Pope, but denied that the Pope was an assassination target. BASIT attributed religious articles and photographs of the Pope, found in BASIT's apartment in Manila, to the general interest of his associates.

He spoke of an incident which occurred in his Manila apartment in early January, 1995, which had been reported in the media as a fire. He related that he had been demonstrating the burning of a mixture of potassium chlorate, sodium chlorate, and sugar to an associate, when smoke produced by the burning began to fill the apartment.

BASIT remarked that the neighbors to his apartment usually retired early, but on that evening, they had apparently not done so, and had noticed the smoke. These neighbors then alerted a security guard from the building, who knocked on BASIT's apartment door, and inquired as to the source of the fire.

According to BASIT, the security guard did not accept BASIT's explanation that the smoke had been produced by fireworks.

BASIT stated that the security guard then left the area, after instructing BASIT and his friend to remain in the apartment.

Once the security guard left, BASIT and his friend also departed.

Some time later, BASIT instructed his friend to return to the apartment, and to retrieve a laptop computer and documents left there.

BASIT noted, however, that when his friend returned to the apartment, a large number of police and security personnel were there, and they took his friend into custody.

BASIT questioned whether the interviewing Agents had seen his laptop computer, and inquired as to whether they had been able to review several files, which he described as being coded or encrypted in some way.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM . On 2/7-2/8/95 , Page 18

He was then questioned as to certain materials found in the Manila apartment which appeared to refer to U.S. airline flights, particularly UNITED AIRLINES' flights. BASIT was asked why UNITED AIRLINE appeared to be the main target; he replied that UNITED AIRLINES was the largest U.S. carrier in that area, and so had the most flights.

BASIT advised that the list of flight information contained on the computer was a list of possible bombing targets, but that not all flights listed would have been definite targets.

He noted that, if the incident at the Manila apartment had not occurred, there would have been several airline bombings within two weeks of that time.

BASIT was asked whether he knew of any plans for future airline bombings, or any plans for other types of terrorist attacks. He replied that he did not know of any specific plans for any such attacks, but did add that there were many committed people in the world with sufficient knowledge to carry out attacks against U.S. targets. He related that while in Manila, a total of four people, including himself, were involved in the U.S. airline bombing plot, and that he had personally trained the others, and knew them to be still capable of carrying out such a plot. He would not further describe or identify the other individuals involved in the bombing scheme.

BASIT asked the interviewing Agents whether the Agents knew how the person who had been arrested in the Philippines, and who had subsequently escaped, had effected that escape. When the Agents replied that they did not have details of the escape, BASIT described the individual who escaped as being strong, intelligent and resourceful, and further stated that he doubted that this individual would have had to bribe anyone to effect his escape.

In discussing the individual who has escaped from Philippine custody, BASIT acknowledged that this individual was known as WALI SHAH. Following BASIT's descriptions of WALI as strong and intelligent, BASIT was questioned as to whether BASIT had been acting under the direction of WALI SHAH. BASIT would not further elaborate on that issue.

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM , On 2/7-2/8/95 , Page 19

When questioned regarding a business card in the name of MOHAMMAD KHALIFA, found in BASIT's apartment in the Philippines, BASIT stated that he did not personally know KHALIFA, but that KHALIFA's business card had been given to him by WALI SHAH, as a contact in the event BASIT needed aid.

BASIT also acknowledged that he was familiar with the name USAMA BIN LADIN, and knew him to be a relative of KHALIFA's, but would not further elaborate.

When BASIT was questioned regarding the types of devices and explosives which would have been used in the plot to bomb U.S. airlines, he refused to describe them in detail, because others might wish to use such techniques and he did not want the government to have the ability to defeat them.

However, when questioned regarding the contents of some clear plastic bottles which had been recovered during the search of his Manila apartment, BASIT advised that those bottles contained nitrobenzine, which when mixed with potassium chlorate or sodium chlorate, would make nitrobenzine/chlorate mixture, an explosive.

He noted, however, that a nitrobenzine/chlorate mixture would not have been used in the bombing of an airliner, as it was detectible through airport security screening. He related that the explosive which he would have used could not be detected by even the most sophisticated screening devices, which he claimed were currently being utilized in London's HEATHROW AIRPORT and in Bonn, Germany. BASIT maintained that he acquired his knowledge of airport explosives screening, including the new sophisticated devices, by watching a CNN television special report which outlined such information.

BASIT did discuss a method which he had devised of using a CASIO electronic wrist watch as a timing device, used to initiate an explosive. He related that, when the back of the watch was removed, there was a small vacant space in the interior, where an electronic part could be installed, and connected to the watch's alarm. He noted that this created a timer, which would be connected to a small light bulb, whose glass had been broken. A nine volt battery would be used as a power source for the circuit, so that when the alarm functioned, the circuit would close, causing the bulb's filament to get very

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM , On 2/7-2/8/95 , Page 20

hot. The hot filament would be used to ignite some nitrocellulose cotton, which would, in turn, be used to ignite an explosive charge.

PHILIPPINE AIRLINE BOMBING:

BASIT acknowledged responsibility for the bombing of a Philippine Airlines plane by stating that the explosive device in that case "did more than it was intended to do". He refused to provide any further details regarding this event, but stated that he would talk about it at a later time.

MISCELLANEOUS ISSUES:

During the interview, BASIT inquired several times as to whether he faced a death sentence in the U.S.; he indicated that he expected to be ultimately executed and that his only concern was that he have sufficient time to write a book about his activities.

BASIT indicated that since the WTC bombing, he had read numerous chemical encyclopedias and had become much more proficient in the construction and use of explosives. He also remarked that, subsequent to the WTC bombing, he had instructed others in training camps in Pakistan, near the Afghan border. This instruction was in the use of explosives, through a ten day "basic" and twenty day "expert" course. He noted that the only cost to the students was the expense for materials used.

In discussing his expertise and proficiency regarding explosives, BASIT spoke of a device, which he had designed and constructed, described by him as a type of gun, made from a pen, and capable of explosively firing a projectile.

When questioned regarding apparent injuries to his hands, BASIT related that he had received the injuries as a result of an accidental explosion in Karachi, Pakistan. He advised that he has been attempting to remove particles of impurities from some lead azide with his fingers, while leaning over a quantity of that material. He noted that he had apparently exerted too much pressure on the lead azide, causing it to explode, injuring not only his hands, but his eyes. He remarked that as he was being transported to a hospital, he

Continuation of FD-302 of ABDUL BASIT MAHMOUD ABDUL KARIM, On 2/7-2/8/95, Page 21

formulated an account that he had been injured when a butane lighter had exploded.

BASIT acknowledged that his parents, residing in the Baluchistan region of Iran, were aware of his involvement in the WTC bombing. He related that, at one point following the bombing, a female who claimed to represent a U.S. telephone company telephoned his parent's residence, and attempted to solicit information pertaining to the whereabouts of RAMZI YOUSEF, claiming that YOUSEF owed the company a significant amount of money. He noted that this woman, after being rebuffed by BASIT's father, went on to inquire as to the whereabouts of numerous individuals, which BASIT knew to be aliases he had utilized in the past.

BASIT was questioned as to his knowledge of an individual named NOURELDIN, whose torn-up vehicle registration had been recovered at 40 Pamrapo Avenue. BASIT stated that he neither knew such an individual nor how the registration came to be located there.

OTHER ACTS:

BASIT claimed that he was responsible for a bombing which "cost tens of lives and hundreds of injuries". He noted that this bombing had been widely covered on CNN television news network, but would not discuss any details, as he stated that it could implicate friends or relatives of his who were involved.

FEB-11-95 SAT 01:00

P.02



The Silvia J. Mello Building
One Saint Andrew's Plaza
New York, New York 10007

February 2, 1995

By Hand:

All Counsel of Record

Re: United States v. Omar Ahmad Ali Abdel Rahman, et al.
(S5) 93 Cr. 181 (MBM)

Ladies and Gentlemen:

Enclosed is a list of unindicted persons who may be alleged as co-conspirators. The list is not exhaustive and, as is always the case, the government's investigation is continuing. The government further directs your attention to the prior discovery, and the transcript of the Salameh case. The list is as complete as I could make it in good faith. If we discover missing names they will be added.

Very truly yours,

MARY JO WHITE
United States Attorney

By: 

Andrew C. McCarthy
Assistant United States Attorney
Telephone: (212) 791-1940

cc: Honorable Michael B. Mukasey
United States District Judge
Southern District of New York

FEB 11 05 SAT 01:01

P. 03



Ahmed Muhammad Aasran
Mohammad Yousef Abbas
Jamal Abdelgani
Mohammed Hassan Abdou
Emad Abdou
Amad Eldan Abdou
Abdallah A. Abwalannen
Dawud Adib
Hosni Ahmed
Mohssen Ahmed
Nasser Al Din Alamani
Majdi Alghamrawi
Hekmat Alhadashak
Abd Al Hafez Mustafa Ali
Atif Ahmed Ali
Hamdi Ali
Samy Ali
Sharif Ali
Mike Alkam
Bilal Alkasi
Hassan Karim Allah
Abu Abdullah
Othman Abdullah
Abu Abdulla Alingar
Reaf Alwishe
Saleem Amin
Hiam Arazy
Mustafa Assad (Boriqua)
Moneeb Ashraf
Mohammed Atiyah
Sami Atiyah
Amin Awad
Mona Awad
~~Mohammed Azzam~~
Mohammed Azzam
Ahab Ashraf Abdul Azziz
Hasab el Rasoul Mohamed Babiker
Abdul Basir (Tito)
Ahmed Bilal
Adnan Constantine
Fawaz Damra
Ahmed Al Dalta Daota
Halim Abul Efni
Moustafa Elaebrak
Mahmud Elder
Nimmer Elder
Ahmed Mansour El-Eslah
Ali El-Gabrowny
Mohammed El-Gabrowny
Ahmed Elganainy
Moustafa Mohamed Elnore
Ali Al Faqeer

FEB-11-95 SAT 01:01

P.04



Shawki Abd Al Fariz
Umar Faruq
Abu Al Walid Gizeh
Abdel Hafez
Sahied Hahmad
Mohamed Ahmed Al Haj
Isam Abdul Hakim
Saad Hanafi
Esteshamel Haque
Quazi Haque
Hameed LNU
Hesham El Hamamey
Hamid Hamid
Jack Hamrick
Mohammed Al Hancoti
Fathy M. Hassan
Sabri Hassan (John Kinard)
Ibrahim Higazi
Nasser Homosany
Khalid LNU
Alaa Ibrahim
Khalid Ibrahim
Mamdouh Ibrahim
Muhammad Shawqi Islambouli
Abdel Rahman Ja'afar
Al Sayyid Sami Jamal
Mahir Al Jamal
Kamal Al Jayh
Ali Abdul Kareem
Ahmed Kasalek
Abdel Khelek
Walid Khalid
Yah Yah Ibn Khalid
Muhammed Khalifa
Ashraq Khalil
Samir Khalil
Abd Al Khalil
Atif Mahmood Khan
Ahmed Khatteria
Tareq Khatteria
Lawrence L. Khidr
Y'aqub Kursam
Khalil Lahoud
Yousef Maani
Mokhtar Mahmoud
Adel Mahroud
Hamam Sayeed Mahseen
Ahmed Abd Al Majeed
Abd Al Mana'm
Abd Al Halimi Mansour
Said Mansour

FEB-11-95 SAT 01:02

P.05



Hassan El Mansouri
Safullah McNeill
Ahmed Megali
Mohamed Mehdi
Ali A. Mohamed
Arioua Mostafa
Adel Said Mohammed
Ashraf Mohammed
Mouaki Benani Mohammed
Mohmoud Mohmoud
Hassan Mousa
Mohammed Mousa
Sami Mousa
Ahmed H. Moustafa
Assan Muhammad
Hanif Muhammad (Abu HANIF)
Moustafa Muhammad
Ahmed Munser
Daniel Murteza
Raymond Murteza
Hamdi Musa
Omar Mohammed Musa
Majed Mustafa
Adel El Nasser
Mustafa Daoud Mustafa Nassar
Walid Abu Al-Noor (Waleed A. Nour)
Kamal Muhamad Omar
Bilal Phillips
Fatahi Qoura
Nabig Ragab
Mikial Abdur Rahim (Richard Smith)
Nabir Abu Abd Al Rakhi
Frank Ramos
Abu Obaida Rouas
Yahyeh Sabor
Hussein Saffan
Mustafa Saif
Saifuldin
Tharwat Saleh
Tariq Mustafa Salem
Muhammad Samir
Ahmed Samy (Samy Mohammed Ali)
Ahmed Abdel Sattar
Sabir Shakir
Mustafa Shalabi
Mustafa Al Shareef
Hisham Al-Shihuri
Ali El Shinawi
Osama El Shinawi
Kelvin Smith
Abu Suliman
Yahya Abu Ubaidah

FEB-11-95 SAT 01:02

P. 86



Abdul Wahhab
Sirraj Wahhaj
Sudanese Mission to the United Nations
Abdu Wali
Madha Warda
Seraj LNU
Shawkat M. Wehidy
Khalid Younis
Nasser Younis
Ahmed Youssef
Mahmud Yousof
Yousef Bin Yousef
Zakariah
Badra Zhony
Ahmed Zidan
Abdu Wali Zindany

overthrow governments in Muslim countries which were not deemed to be Islamically correct. From 1989 until in or about 1991, the group was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1991, the leadership of Al Qaeda, including its "emir" (or prince) Usama Bin Laden, relocated to the Sudan. Al Qaeda was headquartered in the Sudan from approximately 1991 until approximately 1996 but still maintained offices in various parts of the world. In 1996, Bin Laden and Al Qaeda relocated to Afghanistan.

(b) The al Qaeda organization had members who made bayat (i.e. swore allegiance) to the emir (prince) of the organization, Usama Bin Laden. Other persons were closely associated with al Qaeda even though they may have elected not to pledge full allegiance to Bin Laden.

(c) Usama Bin Laden had a particular need for United States citizens to aid al Qaeda as persons with United States passports could travel freely without raising suspicion.

(d) In particular, in the period from 1990 to the present, Usama Bin Laden provided and managed numerous guesthouses and training camps in Afghanistan, Pakistan and the Sudan.

(e) At various times from in or about 1992, Usama Bin Laden and other ranking members of Al Qaeda stated privately to other members of Al Qaeda that: (i) Al Qaeda should put aside its differences with Shiite Muslim terrorist organizations, including the Government of Iran and its affiliated terrorist group Hezbollah, to cooperate against the perceived common enemy, the United States and its allies; (ii) the United States forces stationed on the Saudi Arabian peninsula, including both Saudi Arabia and Yemen, should be attacked; and (iii) the United States forces stationed in the Horn of Africa, including Somalia, should be attacked.

(f) In or about 1993, al Qaeda forces trained local tribesmen in Somalia to attack the United Nations and United States forces because al Qaeda was afraid that the U.S. presence was a staging ground for a later attack on the Sudan.

Confidential Source Two

12. Confidential Source Two ("CS-2") is a person familiar with al Qaeda who has engaged in criminal activity and has advised that he personally saw ALI ABDELSEUD MOHAMED, a/k/a "Abu Omar," a/k/a "Omar," in Khost, Afghanistan, in about September 1992, where MOHAMED was training persons who were commanders in al Qaeda. MOHAMED was in this camp for at least 4 weeks.

14 that the targets included both military facilities and
15 personnel as well as buildings, including embassies which
16 housed internationally protected persons.

17 THE COURT: Thank you, Mr. Fitzgerald.

18 Now, Mr. Mohamed, would you tell us in your own words
19 what it is that you did and when and where you did it that
20 leads you to believe that you are guilty of each of those
21 charges.

22 THE DEFENDANT: Your Honor, in the early 1980s I
23 became involved with the Egyptian Islamic Jihad organization.
24 In the early 1990s, I was introduced to al Qaeda -- al Qaeda
25 is the organization headed by Usama bin Laden -- through my

SOUTHERN DISTRICT REPORTERS, P.C.
212-805-0300

26

Oaklmohp

PLEA

1 involvement with the Egyptian Islamic Jihad.

2 In 1992, I conducted military and basic explosives
3 training for al Qaeda in Afghanistan. Among the people I
4 trained were Harun Fadhl and Abu Jihad. I also conducted
5 intelligence training for al Qaeda. I taught my trainees how
6 to create cell structures that could be used for operations.

7 In 1991, I helped transport Usama bin Laden from
8 Afghanistan to the Sudan.

9 When I engaged in these activities, and the others
10 that I am about to describe, I understood that I was working
11 with al Qaeda, Bin Laden, Abu Hafs, Abu Ubaidah, and that al
12 Qaeda had a shura council, which included Abu Hajer al Iraqui.

13 In the early 1990s, I assisted al Qaeda in creating a
14 presence in Nairobi, Kenya, and worked with several others on
15 this project. Abu Ubaidah was in charge of al Qaeda in
16 Nairobi until he drowned. Khalid al Fawwaz set up al Qaeda's



The National Interest, Winter, 1995/96

THE WORLD TRADE CENTER BOMB: Who is Ramzi Yousef? And Why It Matters

by Laurie Mylroie

ACCORDING TO THE presiding judge in last year's trial, the bombing of New York's World Trade Center on February 26, 1993 was meant to topple the city's tallest tower onto its twin, amid a cloud of cyanide gas. Had the attack gone as planned, tens of thousands of Americans would have died. Instead, as we know, one tower did not fall on the other, and, rather than vaporizing, the cyanide gas burnt up in the heat of the explosion. "Only" six people died.

Few Americans are aware of the true scale of the destructive ambition behind that bomb, this despite the fact that two years later, the key figure responsible for building it--a man who had entered the United States on an Iraqi passport under the name of Ramzi Yousef--was involved in another stupendous bombing conspiracy. In January 1995, Yousef and his associates plotted to blow up eleven U.S. commercial aircraft in one spectacular day of terrorist rage. The bombs were to be made of a liquid explosive designed to pass through airport metal detectors. But while mixing his chemical brew in a Manila apartment, Yousef started a fire. He was forced to flee, leaving behind a computer that contained the information that led to his arrest a month later in Pakistan. Among the items found in his possession was a letter threatening Filipino interests if a comrade held in custody were not released. It claimed the "ability to make and use chemicals and poisonous gas... for use against vital institutions and residential populations and the sources of drinking water." [1] Quickly extradited, he is now in U.S. custody awaiting trial this spring.

Ramzi Yousef's plots were the most ambitious terrorist conspiracies ever attempted against the United States. But who is he? Is he a free-lance bomber? A deranged but highly-skilled veteran of the Muslim jihad against the Soviets in Afghanistan? Is he an Arab, or of some other Middle Eastern ethnicity? Is there an organization--perhaps even a state--behind his work?

These questions have an obvious bearing not only on past events but on possible future ones as well. [2] It is important to know who Ramzi Yousef is and who his "friends" are, because if he is not just a bomber-for-hire, or an Islamic militant loosely connected to other Muslim fundamentalists, Yousef's "friends" could still prove very dangerous to the United States. It is of considerable interest, therefore, that a very persuasive case can be made that Ramzi Yousef is an Iraqi intelligence agent, and that his bombing conspiracies were meant as Saddam Hussein's revenge for the

Gulf War. If so, and if, as U.S. officials strongly suspect, Baghdad still secretly possesses biological warfare agents, then we may still not have heard the last from Saddam Hussein.

This essay will focus on three points. First, it will argue that, as things stand now, coordination between the Justice Department and the relevant national security agencies is such that the latter--and thus national security itself gets very short shrift when it comes to dealing with terror incidents perpetrated on U.S. soil. Second, it will look afresh at the evidence from the World Trade Center bombing case and suggest that the most logical explanation of the evidence points to Iraqi state sponsorship. Third, it will assay briefly what dangers the Iraqi regime may still pose to the United States should this analysis prove correct.

A High Wall

THE SUGGESTION THAT Iraq might well have been behind Ramzi Yousef's exploits may initially strike many as implausible. Wouldn't the U.S. government investigation of the World Trade Center bombing have uncovered evidence to that effect, evidence that the press, in turn, would have broadcast far and wide? Wouldn't America's robust anti-terrorist intelligence capacities have focused on such suspicions long ago?

While these are reasonable questions, they reveal a lack of understanding about how the U.S. government works when legal and national security issues of this special sort overlap. A high wall, in fact, stands between the Justice Department, including the Federal Bureau of Investigation, on the one hand, and the national security agencies on the other. Once arrests are made, the trials of individual perpetrators take bureaucratic precedence over everything else. The Justice Department inherits primary investigatory jurisdiction, and the business of the Justice Department is above all the prosecution and conviction of individual criminals. Once that process is underway, the Justice Department typically denies information to the national security bureaucracies, taking the position that passing on information might "taint the evidence" and affect prospects for obtaining convictions. [3]

In effect, the Justice Department puts the prosecution of individual perpetrators--with all the rights to a fair trial guaranteed by the U.S. judicial system--above America's national security interest in determining who may be behind terrorist attacks. Questions of state sponsorship that are of pressing interest to national security agencies are typically relegated to a distant second place, or never properly addressed at all, because the national security agencies are denied critical information. In particular, whenever early arrests are made regarding a terrorist incident on American soil, the U.S. government cannot properly address both the national security question of state sponsorship and the criminal question of the guilt or innocence of individual perpetrators at the same time.

This is precisely what happened in the World Trade Center bombing. In the case of Ramzi Yousef, the perfectly reasonable questions posed above about who this man is and who may sponsor him have never been properly investigated. Instead of the appropriately trained people

conducting a comprehensive investigation, the World Trade Center bombing was followed by an undercover operation, in which an informant of dubious provenance led a handful of local Muslims in a new bombing conspiracy, aimed at the United Nations and other New York landmarks. For this conspiracy Sheikh Omar Abdul Rahman and nine others were found guilty in early October 1995. Yet none of those in the trial of Sheikh Omar et al., as it is formally called, was accused of actually participating in the World Trade Center bombing.[4] They were only charged with conspiracy regarding it. The government contended that other followers of Sheikh Omar--four fundamentalists who stood trial in 1994--were actually responsible for puffing it into effect.

But what if Ramzi Yousef, who eluded the grasp of U.S. authorities until after his second bombing conspiracy, is neither a follower of Sheikh Omar nor a Muslim fundamentalist? That if he is an Iraqi agent? From a legal perspective--as the judge in that trial advised the defense team--whether state sponsorship played a role in the World Trade Center bombing was irrelevant to the guilt or innocence of Sheikh Omar et al. And indeed, the prosecution did not need to address the question of whether the World Trade Center bombing had state sponsorship in order to obtain the convictions sought against Sheikh Omar and the others.

Indeed, that state sponsorship can be irrelevant to a criminal prosecution was explained most clearly by the federal prosecutors in the New York bombing conspiracies, the lead prosecutor in the trial of Sheikh Omar et al., and the lead prosecutor in last year's Trade Center bombing trial, who will also prosecute Ramzi Yousef. When I put it to them that Iraq was probably behind the Trade Center bombing, they replied, "You may be right, but we don't do state sponsorship. We prosecute individuals." Asked who does "do" state sponsorship, they answered, "Washington." "Who in Washington?" No one seemed to know.[6]

Yet by responding to state-sponsored terrorism solely by arresting and trying individual perpetrators, the U.S. government, in effect, invites such states to commit acts of terror in such a way as to leave behind a few relatively minor figures to be arrested, tried, and convicted. Done adroitly, this makes it unlikely that the larger, more important, and more difficult question of state sponsorship will ever be addressed.

The problem is illustrated vividly in the case of Ramzi Yousef since his arrest in February 1995. The Justice Department has passed on very little information to other bureaucracies. The FBI's typical response to any question about Yousef is: "We can't tell you much because of the trial." [7] As a result, the State Department, which is responsible for determining whether a terrorist act had state sponsorship, lacks the most basic information-- even, for example, a point as simple as what passport Yousef was traveling on when he was arrested in Islamabad.

The details of the World Trade Center case are chilling. From the outset, the Justice Department refused to share key information with the national security agencies. The government had two sets of relevant information-- foreign intelligence, gathered by the CIA from watching terrorist states such as Iran and Iraq, and evidence gathered by the FBI largely within the United States for use in the trial. The FBI flatly told the national security

bureaucracies that there was "no evidence" of state sponsorship in the World Trade Center bombing. When the national security agencies asked to see the evidence themselves, the FBI replied, "No, this is a criminal matter. We're handling it." Thus, all that the national security agencies had available to decide the question of state sponsorship was foreign intelligence they themselves had collected.

But many cases of state-sponsored terrorism cannot be cracked by means of intelligence alone. The crucial element linking the bombing of Pan Am flight 103 to Libya, for example, was not intelligence but a piece of physical evidence--a microchip, part of the bomb's timing device, that could be tied to other bombs built by Libyan agents.

After the World Trade Center bombing, the FBI was the only bureaucracy with both the intelligence and the evidence. Even if the FBI did make a serious effort to examine the evidence for state sponsorship--and it is not clear that it did--the Bureau alone is not competent to carry out such an investigation. "They're head hunters", one official in Pentagon Counterterrorism remarked--that is, they are oriented to the arrest of individuals. A State Department expert described the FBI's new Office of Radical Fundamentalism as "a joke", bereft of any genuine Middle East expertise.

But the more fundamental problem is that the Justice Department in Washington seems not to have been interested in pursuing the question of state sponsorship. In fact, the New York FBI office suspected an Iraqi connection early on, but the Washington brass seemingly wanted to tell America that they had already cracked the case and caught most of the perpetrators. It is always easier to go after the small fry than to catch the big fish, and law enforcement is ever vulnerable to the temptation to cut off a conspiracy investigation at the most convenient point.

Thus, five weeks after the World Trade Center bombing, four Arabs were under arrest. The mastermind, Ramzi Yousef, had fled. Still, at that point in early April 1993, the FBI proclaimed that it had captured most of those involved. The bombing, it claimed, was the work of a loose group of fundamentalists with no ties to any state. The predictable media frenzy followed and, perhaps as a result, some obvious questions were not asked. How could the government know so early in the investigation that those it had arrested had no ties to any state? If the government knew so much so soon, then why did one of those arrested never stand trial for the bombing, and why were three others indicted much later? In short, the Justice Department determined that the bombing had no state sponsorship even before it decided definitively who had been involved.

Moreover, by April it was impossible to have conducted a sufficiently thorough investigation. Such an investigation required, at a minimum, a meticulous examination of all records associated with the defendants to insure that they had had no contact with foreign intelligence agencies--or at least that none could be found. That process simply could not have been accomplished in five weeks. And it must be kept in mind that, at the time, the mastermind of the bomb was a fugitive about whom almost nothing was known. How could anyone therefore declare confidently that he was not a foreign agent, especially in light of the fact that he had

entered the United States on an Iraqi passport and had been known among the New York fundamentalists as "Rashid, the Iraqi"?

Ironically, this sort of problem would not have arisen had the bombing occurred abroad. In such cases there are usually two separate investigations by two different bureaucracies, one to determine state sponsorship, the other to catch the individuals responsible. After the bombing of Pan Am 103, for example, the CIA led an inter-agency intelligence investigation addressing the question of state sponsorship. There was also a separate criminal investigation, headed by the FBI, aimed at individual perpetrators.

But there was no intelligence investigation of the World Trade Center bombing. The CIA is, after all, prohibited from operating in America. Of course, a crack inter-agency team could have been established to examine the question of state sponsorship. But Clinton administration officials set up no such team.

In September 1995, the State Department forwarded to Congress the report of an independent panel, established to examine whether mistakes in security training had contributed to the March 8 assassination of two U.S. consular officials in Karachi--apparent retaliation for Ramzi Yousef's extradition. The report expressed concern about the FBI's lack of cooperation with the national security agencies. Clearly, discontent with the FBI is growing among those agencies as issues such as international crime--and with them the Bureau's international role--assume a more prominent role in the post-Cold War world. Indeed, one State Department official described the FBI's unwillingness to share information as "the train wreck coming"--meaning that given the FBI's lack of expertise in international politics, there may well come a time when the Bureau will be sitting on information that, in the hands of others, could have been used to avert a disaster.

One may indeed ask whether the World Trade Center bombing itself is not a harbinger of the train wreck coming. For if Saddam Hussein was behind it, then the Justice Department, in effect, has blinded the national security bureaucracies to a serious danger, namely the possibility that in the extreme Iraq might use biological agents, whether for terrorism in America or in the context of military action in the region, possibly involving U.S. troops.

Of course, that is an important "if." It is to that issue we now turn.

Dramatis Personae

Ramzi Yousef, a.k.a. Abdul Basit Karim -the key man; likely Iraqi agent.

El Sayid Nosair--murderer of Rabbi Meir Kahane, bomb plot initiator.

Emad Salem--FBI informant with ties to Egyptian intelligence.

Mohammed Salameh--Palestinian fundamentalist, Nosair accomplice and early plotter; left a trail of phone calls to Iraq.

Musab Yasin--Iraqi with New Jersey apartment where Yousef first went.

Abdul Rahman Yasin--Musab's brother, led FBI to apartment where bomb was made; employee of Iraqi government; indicted fugitive, presently in Baghdad.

Nidal Ayyad--Palestinian fundamentalist convicted in the World Trade Center bombing.

Mahmud Abu Halima--Egyptian fundamentalist cab driver convicted in the World Trade Center bombing

Eyyad Ismail--Palestinian from Jordan charged with having driven the van.

Forty-Six Calls to Iraq

ALTHOUGH THE national security agencies never received the World Trade Center evidence, at the conclusion of a trial evidence becomes public. Anyone can examine it, and I did so meticulously. The raw data consist mostly of telephone records, passports, and airplane tickets. Such data reveal nothing directly about state sponsorship, but under close analysis certain facts begin to stand out and certain patterns emerge. And it helps to know the Middle East well.

The story begins in November 1990 when an Egyptian fundamentalist, El Sayid Nosair, shot and killed Meir Kahane, an extreme right-wing Israeli-American, in Manhattan. A year later, in November 1991, Nosair's trial became a cause celebre among local fundamentalists, who turned out in force to support their "martyr." Planted among them was an Egyptian, Emad Salem, working as an FBI informant, even as he maintained ties to Egyptian intelligence. In December, the jury returned a bizarre verdict, acquitting Nosair of murder and finding him guilty on lesser charges. An outraged judge gave Nosair a maximum sentence on those lesser charges, and sent him to Attica.

The fundamentalists continued to support Nosair, arranging bus trips from their mosques to visit him in prison. Salem, the FBI plant, remained among them. In early June 1992, with Salem acting as an agent provocateur, Nosair convinced his friends to execute a bomb plot. He wanted them to make twelve pipe bombs, to be used for assassinating his judge and a Brooklyn assemblyman, the others to be used against Jewish targets. A cousin was to organize the plot, and Salem was to build the bombs.

A twenty-six year old Palestinian, Mohammad Salameh, was soon recruited into the plot. Salameh comes from a long line of terrorists on his mother's side. His maternal grandfather fought in the 1936 Arab revolt against British rule in Palestine, and even as an old man joined the PLO and managed to get himself jailed by the Israelis. A maternal uncle was arrested in 1968 for terrorism and served eighteen years in an Israeli prison before he was released and deported, making his way to Baghdad where he became number two in the "Western Sector", a PLO terrorist unit under Iraqi influence.

Despite this pedigree, Salameh himself is naive and manipulable. When

one considers that he was arrested in the process of returning to collect the deposit on the van he had rented to carry the Trade Center bomb, it is not so surprising that on June 10, soon after being recruited into Nosair's plot, Salameh made the first of forty-six calls to Iraq, the vast majority to his terrorist uncle in Baghdad. We can only speculate about what Salameh told his uncle, but it seems very likely that he spoke about the bold new project Nosair was organizing, perhaps seeking his help and advice. Salameh's telephone bills suggest that the pipe bombing plot was one of the most exciting events in his life: In six weeks he ran up a bill of over four thousand dollars and lost his phone service.

Iraq is one of the few remaining Stalinist states. Iraqis routinely assume their telephones are bugged, and are even cautious about discussing sensitive issues in their own homes. The more significant the person, the greater the likelihood his activities are monitored--at least that is what Baghdadis assume. My own experience in Baghdad makes clear that when Iraqis want to be sure that a conversation is not monitored, it takes place out of doors. It is thus more than likely that Iraqi intelligence learned of Nosair's bombing plot and Salameh's participation in it through Salameh's phone calls to his uncle. In any event, key preparatory steps to the World Trade Center bombing were taken within days of Salameh's first call--including steps taken in Baghdad.

On June 21, an Iraqi living in Baghdad, Abdul Rahman Yasin (subsequently an indicted fugitive in the Trade Center bombing) appeared at the U.S. embassy in Amman asking for a U.S. passport. Born in America, Abdul Rahman received his passport, which he soon used to travel to this country.

Just at this crucial point, unfortunately, the FBI lost track of the Nosair-Salameh conspiracy. It did not fully trust its informant, Emad Salem, and Salem's ties to Egyptian intelligence; the Bureau severed relations with him in early July when he refused to follow its procedures relating to criminal investigations.

Salameh's phone bills and other evidence raise the distinct possibility that, Iraqi intelligence having learned of Nosair's plans from Salameh's calls to his uncle, Baghdad decided to help out, transforming the plot in the process. If so, the speed of the reaction suggests that Iraqi intelligence may have already been planning some operation against America, and that Salameh's calls to his uncle provided it with a fortuitous means of carrying it out. Here probably lies the source of Ramzi Yousef's exploits in America.

Enter Ramzi Yousef

ON SEPTEMBER 1, 1992, Ramzi Yousef arrived at JFK airport. He presented an Iraqi passport without a U.S. visa, was briefly detained (and fingerprinted) for illegal entry, and granted asylum pending a hearing. Yousef went to stay at the apartment of Musab Yasin, an Iraqi living in Jersey City. So too did Abdul Rahman Yasin, Musab's younger brother, who arrived in America from Iraq soon after Yousef. (Musab had an unlisted telephone number under an Israeli-sounding alias, Josie Hadas.)

Musab lived in the same building as Mohammad Salameh. Many young Arab men used their two apartments, praying and eating together; relations were so close that the apartments were connected by an intercom. Once established within this group, Ramzi Yousef befriended Salameh, and the two left to share an apartment elsewhere in Jersey City. From then on, the impressionable Salameh was under Yousef's wing.

Although the principal conspirators had been in place since September, it was not until after the U.S. elections on November 3 that Yousef began to prepare the World Trade Center bomb. In mid-November the first of many calls to chemical companies appears on his phone bills. At the same time, Yousef also began calling surgical supply companies for the gloves, masks, and rubber tubing he needed to make the bomb. In the meantime, two other local fundamentalists were recruited into the plot, Nidal Ayyad and Mahmud Abu Halima. Ayyad, a Palestinian, was the same age as Salameh and Salameh's friend. Abu Halima, a thirty-four year old Egyptian cab driver, was a friend of Nosair. Abu Halima was older and generally savvier than the two Palestinians.

In January 1993, Yousef and Salameh moved into another Jersey City apartment where the bomb was actually built. Set well back from the street, the building provided seclusion. On February 21 a twenty-one year old Palestinian named Eyyad Ismail arrived from Dallas. Ismail is charged with having driven the bomb-laden van.[8] On February 23, Salameh went to a Ryder rental agency to rent the van to carry the bomb. On the morning of February 26, the conspirators gathered at a local Shell gas station where they topped up the tank--one last explosive touch--before driving to Manhattan. Shortly after noon, the bomb went off, on--let it be well noted--the second anniversary of the ending of the Gulf War.

That evening Salameh drove Yousef and Ismail to JFK airport; Yousef escaped to Pakistan on falsified travel documents, and Ismail flew home to Jordan. But Salameh looks to have been deliberately left behind by Yousef, not provided with money he needed for a plane ticket. Salameh had a ticket to Amsterdam on Royal Jordanian flight 262, which continues on to Amman, dated for March 5, but it was an infant ticket that had cost him only \$65. While Salameh had been able to use this ticket to get himself a Dutch visa, he could not actually travel on it. Needing more money for an adult fare, he tried to get his van deposit back by telling the rental agency that the van had been stolen. With either desperate or inane persistence, he returned three times before he was finally arrested on March 4.

Salameh had used Musab Yasin's phone number when renting the van, and Abdul Rahman Yasin was picked up the same day in a sweep of sites associated with Salameh. Abdul Rahman was taken to New Jersey FBI headquarters in Newark. He is reported to have been extremely cool, as a trained intelligence agent would be. He was helpful to investigators who themselves faced tremendous pressure to produce answers. He told them, for instance, the location of the apartment that was used to make the bomb, a key bit of information. They thanked him for his cooperation and let him walk out. This, although he had arrived just six months before from Iraq, and might well attempt to return there. And indeed, the very next day, Abdul Rahman Yasin boarded Royal Jordanian 262 to Amman,

the same plane Salameh had hoped to catch. From Amman he went on to Baghdad. An ABC news stringer saw him there last year, outside his father's house, and learned from neighbors that he worked for the Iraqi government.

Meanwhile, as U.S. authorities searched for Abdul Rahman Yasin in March 1993, after his "helpful" session with the FBI and before they knew for certain that he had fled, an FBI agent who had worked with Emad Salem in June 1992 speculated:

"Do you ever think that Iraqi intelligence might have known of these people who were willing to do something crazy, and that Iraqi intelligence found them out and encouraged them to do this as a retaliation for the bombing of Iraq. . . . So the people who are left holding the bag here in America are Egyptian. . . or Palestinian. . . . But the other people we are looking for, Abdul Rahman, he is gone. . I hate to think what's going to happen if this guy turns out to be. . an Iraqi intelligence operative...and these people were used." [9]

Mahmud Abu Halima had similar thoughts. As he told a prison companion who later turned state's evidence:

"The planned act was not as big as what subsequently occurred. . . . Yousef showed up on the scene. and escalated the initial plot. . . . Yousef used [them]. . .as pawns and then immediately after the blast left the country." [10]

That, indeed, is the most straightforward explanation of the World Trade Center bombing: that it was an Iraqi intelligence operation, led by Ramzi Yousef, with the local fundamentalists serving first as aides and then as diversionary dupes.

Since Yousef's arrest and extradition to the United States, the evidence for this explanation has, if anything, grown stronger. First of all, he is clearly no fundamentalist. According to neighbors, he had a Filipina girlfriend and enjoyed Manila's raucous night life.[11] Yousef's nationality and ethnicity have also become known: He is a Pakistani Baluch.

The Baluch are a distinct ethnic group, speaking their own language, one of several Middle Eastern peoples without their own homeland. They live in eastern Iran and western Pakistan in inhospitable desert terrain over which neither Tehran nor Islamabad exercises much control. Baluchistan is a haven for smuggling, both of drugs and of arms. The Baluch are Sunni and are at sharp odds with Tehran's Shia clerical regime. Through Iraq's many years of conflict with Iran, first in the early 1970s and then during the Iran-Iraq war a decade later, Iraqi intelligence developed close ties with the Baluch on both sides of the Iranian-Pakistani border. Above all, it used them to carry out terrorism against Iran.

Yousef's associates in Pakistan, too, were anti-Shia. This fact, taken together with his Baluch ethnicity, make it nearly impossible that Iran could be behind Yousef. The most recent inquiries, made since Yousef's arrest, have reduced the question to two possibilities: He is a free-lancer connected to a loose network of fundamentalists; or he worked for Iraq.

Of Passports and Fingerprints

THE SINGLE MOST important piece of evidence pointing to Iraq is the passport on which Yousef fled America. It was no ordinary passport.

On November 9, 1992, just after the final green light for the bombing had been given, Yousef reported to Jersey City, police that he had lost his passport. He claimed to be Abdul Basit Mahmud Abdul Karim, a Pakistani born and reared in Kuwait. Then, between December 3 and December 27, Yousef made a number of calls to Baluchistan. Several of them were conference calls to a few key numbers, a geographical plotting of which suggests that they were related to Yousef's probable escape route--through Pakistani and Iranian Baluchistan--across the Arabian Sea to Oman, after which the "telephone trail" ends. After Yousef's arrest, a National Security Council staffer confirmed to me that Yousef had indeed fled from the United States through Baluchistan.

On December 31, 1992, Yousef went to the Pakistani consulate in New York with photocopies of Abdul Basit's current and previous passports. Consistent with his story to police in Jersey City, he claimed to have lost his passport and asked for a new one. The consulate suspected his non-original documentation enough to deny him a new passport. But it did provide him a six-month, temporary passport and told him to straighten things out when he returned "home." This turned out to be good enough for the purpose at hand.

By now it should be clear that the World Trade Center bomber's real name is probably neither Ramzi Yousef nor Abdul Basit. After all, would someone intending to blow up New York's tallest tower go to such trouble to get a passport under his own name? Yousef was a man of many passports; he had three on his person when he was arrested in Pakistan. Rather, it seems that Ramzi Yousef risked going to the Pakistani consulate with such flimsy documents because he wanted investigators to conclude that he was in fact Abdul Basit, and so would stop trying to determine his real identity. And that is pretty much what happened.

But why Abdul Basit Karim? Here we come to one of the most intriguing and vital aspects of the case. Because there really was an Abdul Basit Karim, a Pakistani born in Kuwait, who later attended Swansea Institute, a technical school in Wales. After graduating in 1989 with a two-year degree in computer-aided electronic engineering, he returned to a job in Kuwait's planning ministry. As Abdul Basit and his family were permanent residents of Kuwait, Kuwait's Interior Ministry maintained files on them. But the files for Abdul Basit and his parents in Kuwait's Interior Ministry have been tampered with. Key documents from the Kuwaiti files on Abdul Basit and his parents are missing. There should be copies of the front pages of the passports, including a picture, a notation of height, and so forth, but that material is gone. There is also information in the file that should not be there, especially a notation stating that Abdul Basit and his family left Kuwait for Iraq on August 26, 1990, transiting to Iran at Salamchah (a crossing point near Basra) on their way to Pakistani Baluchistan, where, according to the file, they now live.

Who put that notation into Abdul Basit's file and why? Consider the circumstances of the moment. The Kuwaiti government had ceased to exist, and Iraq was an occupation authority; bent on establishing control over a hostile population amid near-universal condemnation, as an American-led coalition threatened war. The situation was chaotic as hundreds of thousands of people were fleeing for their lives. While the citizens of Western countries were pawns in a high stakes game, held hostage by Iraq, little attention was paid to the multitude of Third World nationals bent on escape. It truly boggles the imagination to believe that under such circumstances an Iraqi bureaucrat was sitting calmly in Kuwait's Interior Ministry taking down the flight plans--including the itinerary and final destination--of otherwise non-descript Baluchis fleeing Kuwait. Rather, it looks as if Iraqi intelligence put that information into Abdul Basit's file to make it appear that he left Kuwait rather than died there, and that, like Ramzi Yousef, he too was Baluch.

Moreover, Iraqi intelligence apparently switched fingerprint cards, removing the original with Abdul Basit's fingerprints and replacing it with one bearing those of Yousef. Fingerprints are decisive for investigators because no two people's match. But the very fact that fingerprints are so decisive makes them the perfect candidate for careful manipulation. Thus, after U.S. authorities learned that Yousef had fled as Abdul Basit, they sent his fingerprints (taken by the Immigration and Naturalization Service at JFF airport when he was briefly detained for illegal entry) to Kuwait, asking if they matched those of Abdul Basit. When the Kuwaitis said that they did, everyone assumed the question settled--forgetting that Kuwait's files were not secure during the Iraqi occupation.

Pakistan also maintains files on those of its citizens permanently resident abroad, at the embassy in the country in which they live. On August 9, Baghdad ordered all embassies in Iraq's "nineteenth province" to close. Most did, including the Pakistani embassy. The files on Abdul Basit and his family that should be in the Pakistani embassy in Kuwait are missing. The Pakistani government now has no record of the family.

What does all this suggest? To me it suggests that Abdul Basit and his family were in Kuwait when Iraq invaded in August 1990; that they probably died then; and that Iraqi intelligence then tampered with their files to create an alternative identity for Ramzi Yousef. Clearly, only Iraq could reasonably have: 1) known of, or caused, the death of Abdul Basit and his family; 2) tampered with Kuwait's Interior Ministry files, above all switching the fingerprint cards; and 3) filched the files on Abdul Basit and his family from the Pakistani embassy in Kuwait.

Of course, the best way to verify or falsify this would be to check with people who knew Abdul Basit before August 1990. To this end, Brad White, a former Senate Judiciary Committee investigator and CBS newsman, contacted an overseas source he knew in the United Kingdom who had looked into the matter. Two people had a good memory of Abdul Basit but, shown photos of Yousef, were unable to make a positive identification. They both felt that while there was some similarity in looks, it was not the same person. "Our feeling is that Ramzi Yousef is probably not Basit", White was told.[13]

Logic and circumstance also suggest the same conclusion. Is it likely to be mere coincidence, after all, that during Iraq's occupation of Kuwait key documents were removed from Abdul Basit's and his parents files, while the same files were filched in their entirety from the Pakistani embassy? Moreover, Abdul Basit had no criminal record in Britain, nor did he or his parents have any security record in Kuwait. The first concrete knowledge we have of Ramzi Yousef/Abdul Basit comes in early 1991, around the end of the Gulf war when he showed up in the Philippines seeking contact with a Muslim group there. Introduced as "the chemist", he proposed to collaborate in

bombing conspiracies. Now, how did a young man who had led a seemingly normal life up until August 1990 suddenly become a world class terrorist six months after Iraq invaded his country of residence? Where did he get such sophisticated explosives training in just six months? (The real Abdul Basit's degree, remember, was in electronic engineering, not chemistry, which Swansea Institute does not even teach.)

And where are Abdul Basit's parents? They never returned to Kuwait after its liberation, nor have they appeared anywhere else. Did they too take up a life of crime after decades of abiding by the law?

Ramzi Yousef's arrest has made it easy enough to resolve a key question and perhaps produce important evidence implicating Iraq in the World Trade Center bombing: Is "Ramzi Yousef" really Abdul Basit or not? Let those who remember Abdul Basit from before August 1990 meet Yousef in person and tell us. It sounds simple and logical, but strangely, the Justice Department has shown no interest in arranging such a meeting. Moreover, it has decided to try the bomber as Ramzi Yousef even though no one, including Yousef by now, maintains that that is his real name. If the government believes that Yousef is really Abdul Basit, why doesn't it try him as Abdul Basit? Why is the Justice Department uninterested even in definitively determining his identity, even though doing so might help get to the bottom of the matter. I recently asked a Justice Department official, who maintains his confident view that Yousef is indeed Abdul Basit, "Why don't you bring the people who knew Abdul Basit to the prison to meet Yousef, so they can say for sure if they are the same?" "But you", I was told, "are interested in an intelligence question." Earlier I had been told, "It does not matter what we call him. We just try a body."

And so back we come to the high wall. As before, those who have the information about Ramzi Yousef and his bombing conspiracies are not concerned with the question of state sponsorship, or at least consider it secondary to their trials; while those who are concerned with state sponsorship are denied the information that they need to investigate the question properly.

Threats From Baghdad

MOST MEMBERS OF the U.S. national security bureaucracies think that Saddam Hussein has largely lain low since the Gulf War, constrained by economic sanctions and swift American reactions to his occasional feints to the south. But if in February 1993, Saddam ordered his agents to try to

topple New York's tallest tower onto its twin, and if, in January 1995, Iraq sponsored an effort to destroy eleven U.S. airplanes in the Far East, then Saddam has not been quiescent.

This, simply put, is why it is important to find out who Ramzi Yousef is and who may have put him up to his murderous work. Maybe Iraq had nothing to do with him, despite all the circumstantial evidence suggesting otherwise. But if it did, then the otherwise peculiar, bombastic, and extremely violent statements emanating from Baghdad might make more sense than they at first seem to.

In the fall of 1994, Baghdad's official press, in essence, threatened that Saddam might use his remaining unconventional agents, biological and chemical, for terrorism in America, or in missiles delivered against his enemies in the region if and when he became fed up with sanctions.[14] On September 29, 1994, following an otherwise cryptic statement of Saddam Hussein's, the government newspaper, Babil, warned: "Does the United States realize the meaning of every Iraqi becoming a missile that can cross to countries and cities?"

Other threats followed almost daily;

When peoples reach the verge of collective death, they will be able to spread death to all. [15]

When one realizes that death is one's inexorable fate, there remains nothing to deter one from taking the most risky steps to influence the course of events. [16]

We seek to tell the United States and its agents that the Iraqi patience has run out and that the perpetuation of the crime of annihilating the Iraqis will trigger crises whose nature and consequences are known only to God.[17]

These statements occurred in the context of Saddam's second and abortive lunge at Kuwait, which was thwarted by the swift U.S. deployment to the region. Saddam then turned around and formally recognized Kuwait, removing what then seemed to be the last major obstacle to lifting sanctions, and the Iraqi press soon began to call 1995, "the year of lifting sanctions."

But that was not to be. The UN Special Commission (UNSCOM) started to uncover evidence of a large, undeclared biological program. As Baghdad's disappointment grew, the Iraqi press began to repeat the threats it had made in the fall. The number two man in Iraq's information ministry warned, "Iraq's abandonment of part of its weapons-the long-range missiles and chemical weapons. . . does not mean it has lost everything." [18] Al-Quds al-Arabi, a London paper financed by Baghdad and close to the Iraqi regime, cautioned. "Iraq still has options. But they are all destructive options. Yet if the Americans continue to humiliate them, they will have no option but to bring the temple down on everyone's head." 19

After Baghdad succeeded in getting a clean bill of health from UNSCOM in mid-June on its chemical and missile programs, it finally

acknowledged in July having had an offensive biological program and having produced anthrax and botulinum. But it denied that it had ever tried to weaponize those agents and, in any case, claimed to have destroyed them in the fall of 1990. The claim was neither credible nor verifiable, particularly as Iraq produced no documents detailing their destruction. Indeed, the Iraqi "revelations" may even have been meant as a threat, an attempt to intimidate the United Nations by hinting at what Baghdad was still capable of doing.[20]

In early August 1995, as Iraq pressed UNSCOM for a clean bill of health on its biological program, Hussein Kamil--Saddam's cousin and son-in-law, and the man responsible for overseeing the build-up of Iraq's unconventional weapons program defected. This precipitated a flood of stunning revelations from Baghdad. They included the admission that Iraq had indeed weaponized botulinum and anthrax. At the very same time that it had earlier claimed to be destroying those agents, the Iraqi regime now acknowledged that it had been stuffing them into bombs and missiles. Yet Iraq still claimed that whatever biological agents it had produced had been destroyed, even as it still failed to produce any documents to confirm their purported destruction.

It looks as if Iraq is holding on to prohibited weapons of mass destruction, even as it insists that sanctions be lifted. Why? In early September, a former adviser to Saddam Hussein predicted that Iraq would not give up any more unconventional agents. Instead, Saddam would probably employ them for blackmail and brinkmanship to get sanctions lifted. And failing that, he would use them.[21] General Wafiq Samarrai, former head of Iraqi military intelligence, told me much the same: "Tell the allies that they have to destroy Iraq's biological agents before Saddam can use them." Iraq could attack its neighbors by missile, or America through terrorism. The United States might retaliate with nuclear weapons, but by then "the disaster will already have happened", Samarrai warned. [22]

Would Saddam actually do such a thing? When asked about the possibility of Saddam's using biological agents for terrorism in America, UNSCOM chairman Rolf Ekeus replied, "It is obviously possible." [23] Yet such thoughts seem far from the minds of most U.S. officials, who believe that Saddam is trapped by sanctions and can do no real harm. They feel no urgency about bringing Saddam down; they sense no danger.

Unfinished Business

YET IF RAMZI YOUSEF is in fact an Iraqi intelligence agent, there obviously is a danger. Even if we cannot yet be absolutely certain of this, so many American and allied lives are potentially at stake that it seems the least a responsible government can do is to make every reasonable effort to find out. As Saddam Hussein senses his ever-increasing isolation and sees the prospects for lifting sanctions receding, his desperation may lead him to order other, and even more ghastly, deeds.

If Saddam Hussein still hungers for revenge, the question of Ramzi Yousef's terrorism is much too important to be left solely to the Justice Department, while the FBI continues to withhold critical information from

the national security bureaucracies.

The following are among the steps that could and should be taken to address the issue of whether Iraq is behind Ramzi Yousef and to strengthen America's anti-terrorism efforts generally:

Bring those who knew Abdul Basit Karim before August 1990 to meet Yousef in prison and pronounce definitely if they are one and the same man.

Demand the immediate and unconditional extradition of Abdul Rahman Yasin from Baghdad.

Establish a "tiger team", drawn from the best and brightest within the national security bureaucracies, to examine all the information in the U.S. government's possession related to Yousef and his bombing conspiracies. Yousef's apparent use of chemical agents in New York and his threat to use them in the Philippines deserve special attention.

Establish appropriate procedures so that whenever a terrorist attack occurs against U.S. targets that might be state-sponsored, a qualified team will address the question of state sponsorship regardless of whether the terror occurs on U.S. soil or whether early arrests are made.

Individually, the pieces of this puzzle--the elusive identity and affiliation of the World Trade Center bomber; the series of explicit threats against the United States issuing from Baghdad; the question of Iraqi biological capabilities--raise troubling questions. Taken together, they provide the outline of a very frightening possibility. The lack of coordination between the Departments of Justice and State may have created a niche for terrorism within America's borders; while the lack of any adequate response to the two major bombing conspiracies may have already begun to undermine the credibility of the threat of deterrence. So far, State Department officials have been content to leave the issue of Iraq's possible resort to biological terrorism on the back burner, secure in the belief that the threat of nuclear retaliation will be sufficient deterrent. But Saddam has previously miscalculated the American reaction to his provocations. It would be reassuring to know that, somewhere in the policy-apparatus of the State Department, someone is looking seriously at the possibility of future terrorist acts and at the requirements of effective deterrence.

Laurie Mylroie, formerly of Harvard University and the U.S. Naval War College. is currently with the Foreign Policy Research Institute of Philadelphia. She was co-author of the bestseller, Saddam Hussein and the Crisis in the Gulf (Random House 1990), and has just completed a sequel, 'Study of Revenge': Saddam's Terror Against America, January 1993-??

2. Indeed, there is good reason to suspect an Iraqi hand in the November 13,1995 bombing of the U.S. military office in Riyadh.

3. Interview with Vincent Cannistraro, former Chief of Counterterrorism Operations for the CIA's Counterterrorism Center. There is no formal or legal reason for the FBI position and standard practice. It is largely a matter of protecting bureaucratic turf.

4. Wall Street Journal, September 22,1995. This point was repeatedly made in the New York Times--April 4,7, 9 and 26; June 22 and 28; July 26 and 30; August 2 and 22; October 2, 1995.

5. Ken Wasserman, lawyer for one of the defendants in Sheikh Omar et. al. to the author.

6 Author's meeting with federal prosecutors in New York, January, 1995, arranged by the New York District Attorney's office. Another Trade Center prosecutor, since retired, expressed his frustration with the FBI to a Yale Law School alumni gathering, complaining that they had done no "overall policy review." Allan Gerson, former Chief Counsel of the U.S. delegation to the United Nations (1981-5), to the author-

7. Sources in the State Department, CIA, and Pentagon all told me that those at the working level were not getting information from the FBI on Yousef, and were all very unhappy about it,

8. Ismail was indicted in September 1994 and arrested in August 1995 at his family home in Jordan. He was identified by comparing Yousef's telephone records to the passenger manifests of planes leaving JFK the night of the bombing. I believe that Ismail was probably an unwitting participant and meant to be caught. After Yousef was arrested in February, he mentioned the existence of another conspirator and expressed surprise that he had not yet been arrested.

9. John Anticev to FBI plant Emad Salem. Salem taped most of his phone conversations, including those with the FBI.

10. FD-302, [Proffer Session], p.3, Mohammad Abdul Haggag.

11. New York Times, February 12,1995.

12. See Charles Wallace, Los Angeles Times, May 30, 1995; David Ottaway and Steven Croll, Washington Post, June 5, 1995; Maryanne Weaver, New Yorker, June 5, 1995.

13. Brad White to the author, September 23,1995.

14. See Laurie Mylroie and James Ring Adams. "Saddam's Germs", The American Spectator, November 1995.

15. al-Jumhuriyah, October 4, 1994.

16. al-Jumhuriyah, October 5, 1994.

17. al-Jumhuriyah, October 8, 1994.

18, Al-Iraq, April 11, 1995.

19. Al-Quds al-Arabi, June 15, 1995.

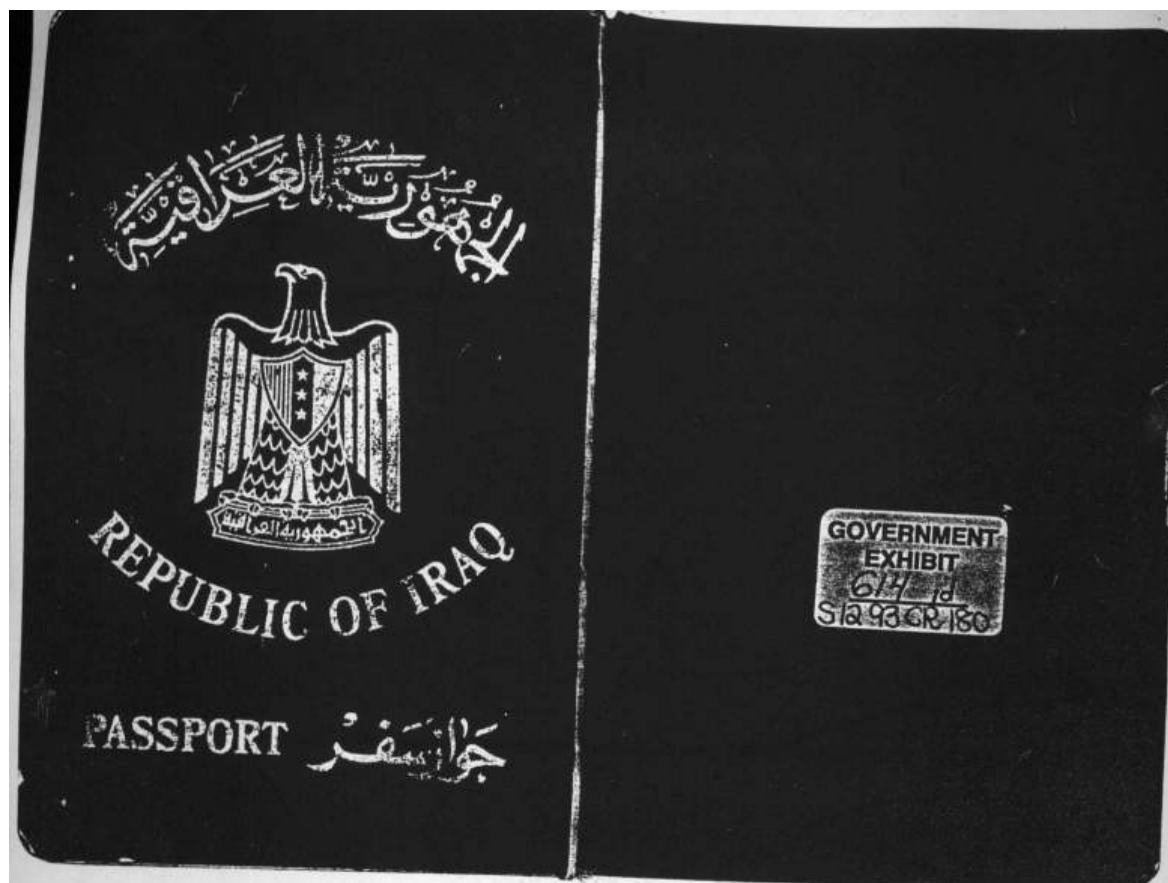
20. This was suggested by Frank Gaffney in a Center for Security Policy "Decision Brief," July 7, 1995.

21 "Saddam Nears End-game," The Guardian, September 4, 1995.

22. Telephone interview with Samarra, in Damascus, September 1995.

23. McNeil-Lehrer Newshour, August 28, 1995.

Cover of the passport that Ramzi Yousef used to enter the United States on September 1, 1992.



Pages 1 and 2 of Ramzi Yousef's passport. The right side states that the passport was issued in Baghdad on September 12, 1991



Pages 3 and 4 of Ramzi Yousef's passport

3		2	
DESCRIPTIONS		Photograph of bearer	
Bearer of Passport	أوصاف		
Electronic Engineer	المهنة	<p>اسم حامل البطاقة</p> <p>Ramzi A. Yousef</p>	
Baghdad	المكان المأهول الدائم	<p>المكان المأهول الدائم</p> <p>Abu Dhabi</p>	
1.75 m	الطول	<p>1967</p>	
Black	لون العينين	<p>Abu Dhabi 1967</p>	
Nil	العلامات الفارقة	<p>Revenue</p>	

Pages 5 and 6 of Ramzi Yousef's passport

5 CHILDREN 5

Sex الجنس Date of birth تاريخ الميلاد Name الاسم

1 2 3 4 5 6

4 Photograph of wife 4

تصوير الزوجة

اسم الزوجة

المهنة

Profession

محل الميلاد وتاريخه

Place and date of birth

الطول

Height

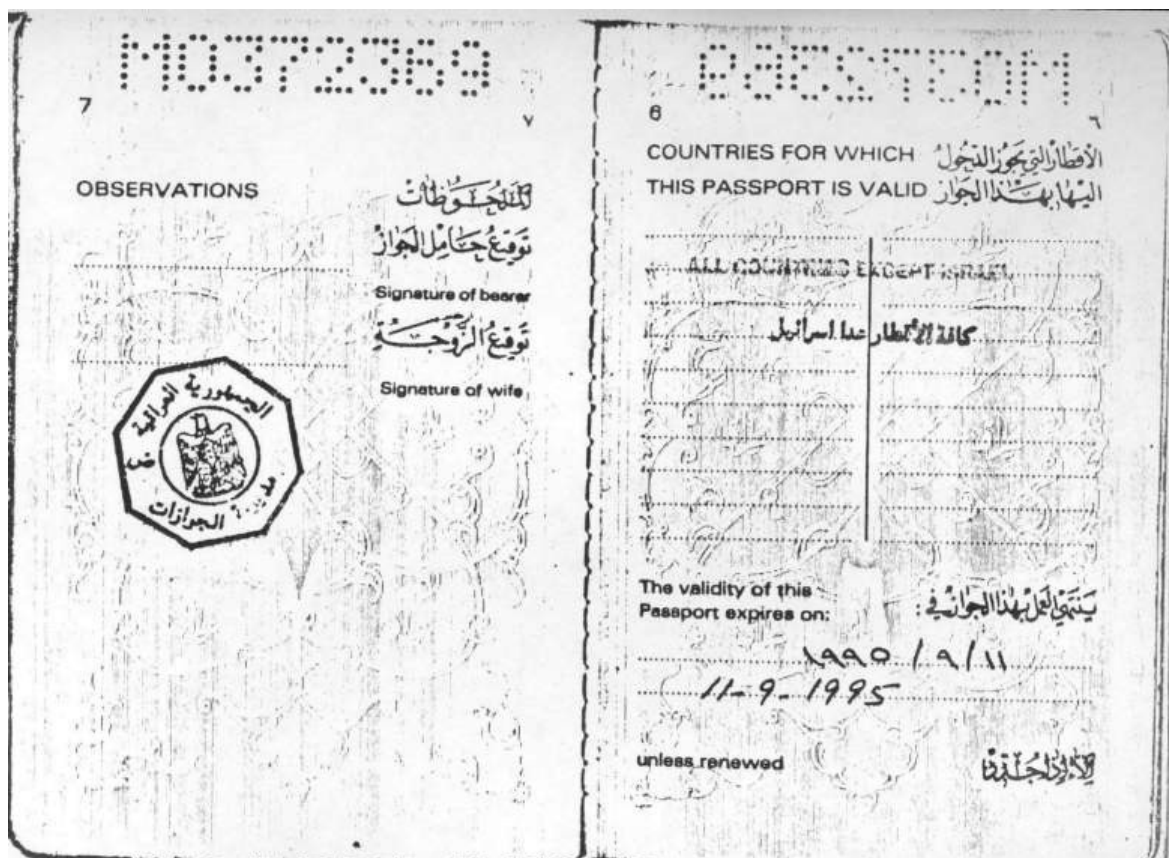
لون العينين

Colour of eyes

العلامات لعارفة

Distinguishing marks

Pages 7 and 8 of Ramzi Yousef's passport



Pages 8 and 9 of Ramzi Yousef's passport

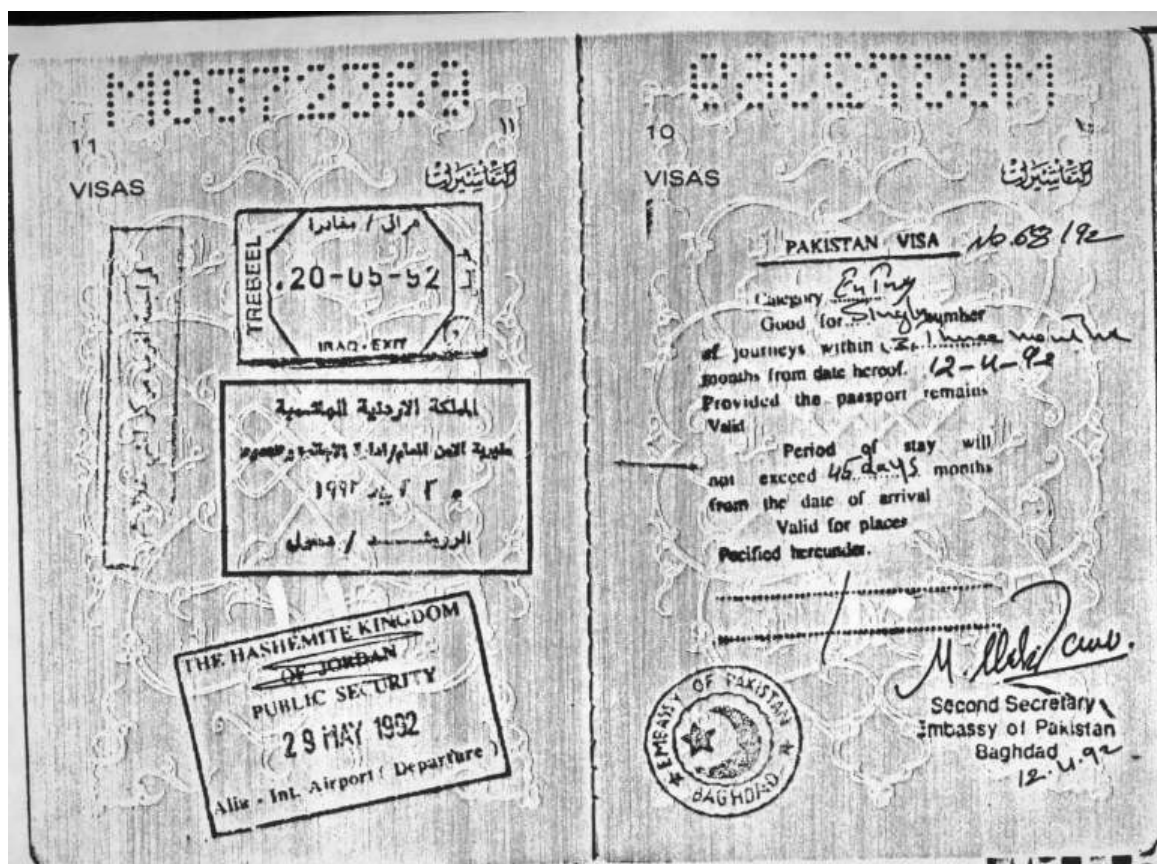
Left side: Iraqi exit visa, issued at Trebeel (border crossing with Jordan) on May 20, 1992



Pages 10 and 11 of Ramzi Yousef's passport

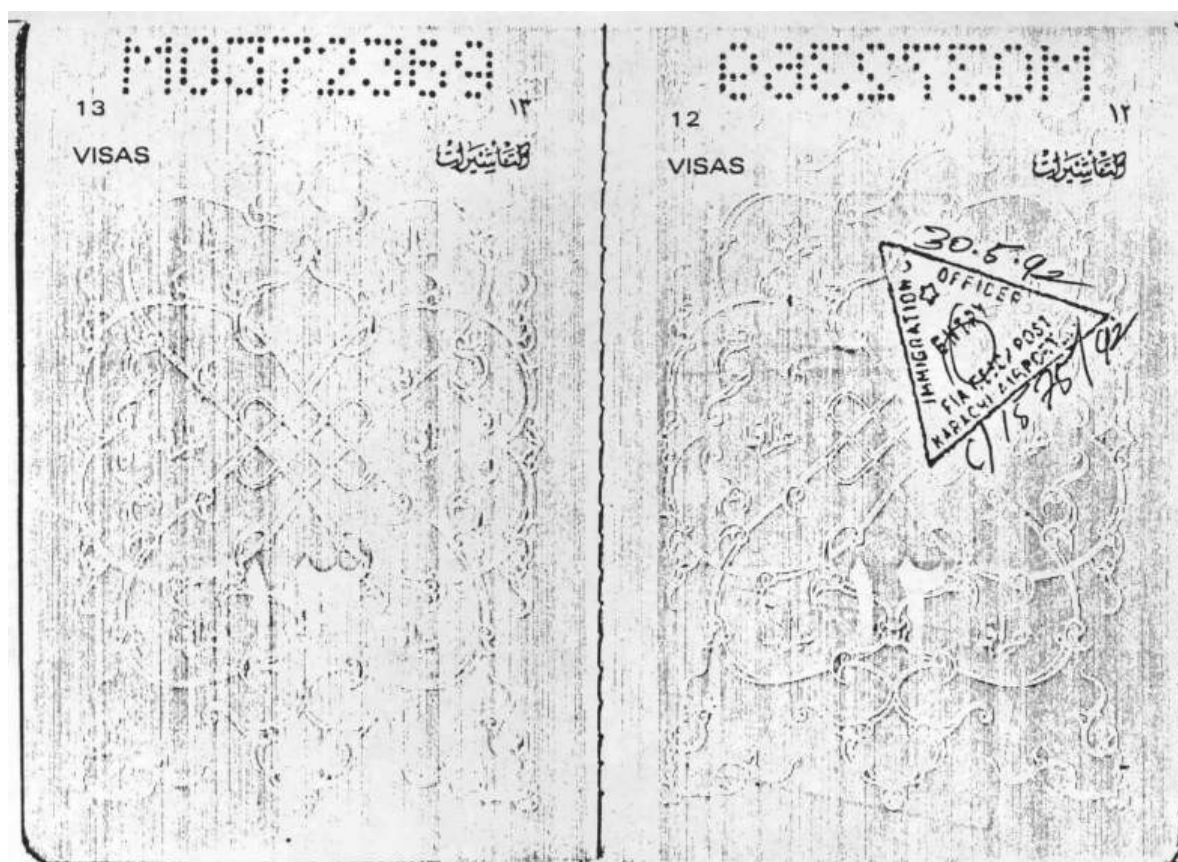
Right side: Pakistan visa dated April 12, 1992, issued in Baghdad

Left side: Top: Iraqi exit stamp from Trebeel, May 20, 1992; Middle: Jordanian entry stamp at Ruwaishid, May 20, 1992; Below: departure stamp from Amman's international airport, May 29, 1992



Pages 12 and 13 of Ramzi Yousef's passport

Right side: Entry stamp at Karachi airport, May 30, 1992



Query returned 1 of 260712 total
documents.
Displaying hit: 1

Request Upload

Request Translation

Original Document Information

Document #: ISGQ-2003-M0007419 Classification: [REDACTED]
English Title: Saddam Hussan meeting with his Ministers, Qusay Saddam and Abid Al-Tikriti
[REDACTED]
Language: ARABIC

Document Date: Total Pages: 1 Inclusive Pages: 1
Document Type: MEETING DOCUMENTATION Format:
Agency: DIA Project: IRAQI FREEDOM
Country Of Information: IRAQ

Title:
Country Of Origin: IRAQ Originators Classification: UNCLASSIFIED

Related Document Numbers

Document Number Type	Document Number
Harmony Number	ISGQ-2003-M0007419

Keyword Categories

Biographic Information

Name: KHUDAYR, MUHAMMAD

Document Remarks

[REDACTED] This Audio file (35:20) contains: -Time 00:00 - 00:52: An Iraqi official speaks to Saddam and mentions three names: 1.Dr. 'Abd-al-Sattar Al-Rawi [Director of Special Financial Office] 2.Major General/ Muhammad Khudayr [Director of Supervision] 3.Faruq Hijazi -Time 00:52 - 05:10: Saddam speaks to some Iraqi officials, including his son Qusay, about the World Trade Center collapse on Sep 11. He says that the American Intelligence is not expected to be behind this accident because of the number of American casualties. Then, he expresses his suspects about Israel to be the real criminal, and then he added that the Zionist lobby in America is able to support Israel and even to defend her against any possible suspects. Saddam mentions the American communication with Egypt and Saudi Arabia to determine the suspects of Sep 11 bombing. He mentions the name of Sheikh 'Umar 'Abd-al-Rahman. -Time 05:10 - 07:25: Saddam recommends to announce that Iraq has important information with evidence about the suspects of Sep 11 bombing. He wants to state that Iraq suspects many parts all over the world and some Americans as well. He wants to assert that the outcome of first investigations made in America is not reliable. He plans to offer help to America but through the supervision of the Congress. His plan aims at achieving a kind of political dialog between America and Iraq and to avoid any possible American accusations. - Time 07:25 - 13:20: Some Iraqi officials with Saddam discussing how they can take advantage

from Sep 11 booming by doing the following: They want to make a fake investigation with personnel and they want to claim that these personnel are involved in Sep 11 booming. They want the investigation to be recorded on video and audio tapes. They want to affect the international opinion through Iraqi TV programs covering such investigations. Moreover, he thinks that if investigations condemns some American authorities or some Zionist bodies, it will be favorable to Iraq. However, he does not want Iraq to really help America catch any Islamists lest Arab countries should accuse Iraq of fear from America. -Time 13:20 - 18:20: they want to declare to the International Society that they have got an American citizen or British citizen who is involved in the Sep 11 booming, by bringing randomly an Iraqi American citizen and lock him in the prison then to threaten that man in order to cooperate with Iraqis. But Saddam wants no details to be handled first. Saddam wants to win the sympathy and support of the International Society. -Time 18:20 - 20:15: An official raises the issue of the Iraqis who are born abroad and have foreign citizenships. He wants any father to register his new-born at Iraqi authorities abroad. -Time 20:15 - 23:00: An official reads the suggested announcement according to Sep 11 plan, and Saddam gives his consent to broadcast on the Iraqi TV newscast. -Time 23:00 - 30:50: They begin to speak about the Kurdish elections. There are some side talks too difficult to follow. They want to influence the Kurds so as not engage in war for autonomy. An official mentions the names of Mas'ud and Jalal as two opponent leaders in Kurdistan. Also, the Kurdistan Democratic Party as well as the Islamic Party is referred to. In the end, an official recommends to detain the members of a family called 'Abd-al-Rahman, for security investigations. -Time 30:50 - 35:20: no conversation.

Batch Information

Batch Number: 3230-1

Boxes in Batch: 1

Capture Information Capturing Unit:UNK Date/Time of Capture:18XXXXAUG03 Coordinates: UNK Identity of Source:UNK

Transmittal Information Transporting Unit:UNK Date/Time of Arrival:27XXXXAUG03
Transmittal Number:UNK Point of Contact:UNK

Comments ■■■ books about saddam and his high army commands Administrative Office of the Presidency Adm. And Finance Curcuit Central Bank of Iraq

ISGQ-2003-M0007419

		<i>[TC: at different points of this audio there were sounds of dictation and typing. Also ruffling of papers and different persons speaking simultaneously which distorted the quality of the audio. It seems like that Qusay Saddam Hussein was present, but transcriber/translator was unable to verify his voice]</i>
MV:	اللي احب ا قوله بشكل مباشر سيدي -	What I would like to directly say Sir -
Saddam	انوه هما	Which are they?
MV:	<p>مدير المكتب الخاص مال الدكتور عبد الستار الراوي. مدير المتابعة هو محمد خضير. يعني سبق ان كرمته سيادتكم - يعرفه الاستاذ قسي وفاضل حجازي ايضا. يعني شفت موضوع مهم فقلت لازم يعني</p> <p>[inaudible]</p> <p>في الجهاز المتقدمة وباشرافي يعني.</p>	<p>The private office manager of Dr. Abed al Sattar Al Rawi. The director of Follow up is Mohammad Khudair, who you previously honored; Mr. Qusay knows him and Fadhel Hijazi also. I figured that it was an important matter so I decided that we should [inaudible] in the higher ranks and under my supervision.</p>
Saddam	<p>نعم - يعني الموضوع من الاوليات الامامنا واضح اكو ترتيب معين فني لامريكا ليست بعيدة عنه وهيك شغلات وسخة ممكن المخابرات الامريكية تشتغلها اذا كان عندها غرض اكبر من يعني اكبر من الخسائر والتضحيات اللي تقدمها. لكن هذا الموضوع يخص مواطنين امريكي. تفجير المركز التجاري الامريكي رح (يتوقعون) بيه تضحيات. خسائر والخسائر وقعت فعلا يعني نشرتها الاعلام وانتم الان تستذكروها. فشلون ممكن للمخابرات ان تقدم على هيك عمل مع انه بيه مثل هذه الخسائر بالمواطنين الامريكيان؟</p>	<p>Yes, this issue from the preliminaries before us there has obviously been a special technical arrangement where the US seems to have a hand in. These dirty games are games that the American intelligence would play if it had a bigger purpose, which would be bigger than the losses and sacrifices it would have to suffer. But this issue concerns the American public- you would expect losses in the bombing of the World Trade Center. Losses. And they had losses; the media announced it and you remember it. So how could/would the American intelligence do such a thing even though they knew there would be American human losses?</p>
Saddam	<p>لانه العمل مو في طور التحضير حتى نقول مجرد عملية تكتيك فني يقصد بيهها جهة معينة. لازم اكو جهة قلبها ما يوجعها على المواطنين الامريكيان ولا</p>	<p>Because this is not in the prep stage for us to claim that it is just a technical tactic intended for a certain party. It must be done by a party whose heart</p>

ISGQ-2003-M0007419

	<p>اثرها سياسيا مباشرة تقع عليها. وهنا تيجي شكوكنا على اسرائيل. اسرائيل لما تسوي هيك عملية ممكن تقدم خسائر وهي عندها وسائلها اللي تقدر حتى لما تتكشف بعض الخطوط او الخيوط تقدر ترجم عليهم التراب وتضيع الشغلة، اللوبي الصهيوني موجود داخل امريكا وفعال. فهذا هم احد الاحتمالات.</p>	<p>would not break over the loss of American lives and who would not suffer direct political consequences. Of course we immediately think of Israel. Israel, when it conducts such an operation is willing to suffer losses and it also has its methods by which even if some plans lead to it, it is able to cover the matter up and distract people from it. The Zionist Lobby is alive and effective in the US. So this is one of the options.</p>
Saddam	<p>ولكن شنو الهي اغرى هاي الجهات كلها لان تبدي هذا التعاون خاصة اذا اتصالتها بالسعودية صحيح. لانه من يقول هذا اتصل فعلا متصل بالسعودية و [unintelligible] باسم عبدالله مثل ما قال [unintelligible] نوري - مثل ما قال عبد الرحمن يمكن تكون هذه القضية كلها مفتعلة من عبد الرحمن او قد يكون هو اتصل بغير جهة واشعره لعبد الرحمن ومن خططه والاعيب الناس اللي من هذا النوع انه هو ديتصل بالقنصلية السعودية بجوز اتصل بغير جهة. شنو نوع العملية الاغرائية اللي تقدم للسعودية حتى تشارك بهيك عمل؟ او تدري بيه ما كو غير اذاء العراق. ولكن هذا يفترض الاطلاع الرسمي من امريكا.</p>	<p>But what tempted all these other factions to show such cooperation, especially if its contact with Saudi Arabia is correct. Because when he says he contacted then he really has contacted Saudi Arabia [unintelligible] in the name of Abdullah like [unintelligible] Nouri said. Like Abed al Rahman said, this whole matter could be thought up by Abed Al Rahman or he could have possibly contacted another faction and informed Abed al Rahman. One of the tricks and games of such people would be for him to pretend that he is contacting the Saudi consulate but maybe he is contacting a different party. What kind of temptation would they offer Saudi Arabia to participate in such an operation or know of it? Nothing would be as effective as bringing harm to Iraq. But we assume that we would need the official knowledge of the US.</p>
Saddam	<p>انه ممكن السعودية تدخل هيك مدخل الا بتطلاع رسمي من امريكا. شنو ممكن يغري مصر؟ لانه هم ودت اشارات على مصر. يعني يغريها بالدرجة الاولى عملية توريط رجل الدين اللي دهو يحمل راية المقاومة ضدهم. اللي اسمه عمر عبد الرحمن. ويغريها بدرجة اذا تؤذي العراق. واعني بالنظام المصري. ولكن ايضا ما يمكن ان تخطو خطوات من هذا</p>	<p>Is it possible for Saudi Arabia to enter into such an operation without the official knowledge of the US? What could tempt Egypt? Because it also sent signals to Egypt. Well, Egypt would primarily be tempted to involve the cleric who is carrying the banner of resistance against it. Whose name is Omar Abed al Rahman. And it also tempted to harm Iraq. And I mean by</p>

ISGQ-2003-M0007419

	<p>النوع الا باتطلاع وبمعرفة بل وبطلب رسمي من امريكا. فيعني هذه كلها تشوف رح</p> <p>[unintelligible]</p> <p>انه باستمرار نطرح في هذه المرحلة عوامل متضاربة لانه مو كل الحقيقة مكشوفة امامنا كما هي. لانه المتهم اللي بايدينا انا اعتقد انه كل هذا الكلام اللي ديقوله يعني مرتب ويعني ديلعب ديلعب. ويؤثر بالسنايو.</p>	<p>that the Egyptian government. But it also can not take steps of this nature with out the knowledge and even the official request of the US. So with all this you would see that [unintelligible] that constantly at this stage we offer conflicting factors because not the whole truth is revealed to us as it is. Because the suspect we have in our custody is too organized in what he is saying and is playing games, playing games and influencing scenario.</p>
Saddam	<p>الخلاصة من هذا الموضوع انا</p> <p>[unintelligible]</p> <p>ان نسوي صيغة اعلام مفاجئ ونقول احنا يعني اطلعنا على معلومات خطيرة تتعلق التفجير اللي حصل في امريكا. وهناك جهات يعني كشفها التحقيق الاولي انها متورطة في هذا الموضوع وحتى الان لا نعلم اذا ما كان هناك جهات امريكية متفقة على هذا التكتيك ان لم نتوصل بعد اذا ما كانت هناك جهات امريكية ذات صبغة رسمية او شبه رسمية متفق على مثل هذا الترتيب ولكن نحن لدينا مثل هذه الدلائل ولدينا شكوك تدعمها بعض الادلة من انه هناك جهات عديدة مشتركة في هذا الموضوع ليس بالضرورة الواجهة الاولي التي اعلن عنها في التحقيقات الامريكية هي الصورة النهائية للموضوع.</p>	<p>The conclusion of this matter, I [unintelligible] to issue a surprise statement and say that we have become privy to dangerous information that concerns the attacks that occurred in the US. And that the initial investigation has uncovered factions involved in this matter and up to now we do not know if there are American parties in cooperation with this tactic. Because we have not yet found out if there are American official or semi official parties involved in this arrangement, however we have indication to that end and we have our suspicions that are supported by some evidence that there are several factions involved in this matter. The initial persons involved in this matter are not necessarily the complete picture of the situation.</p>
MV1	<p>واحنا مستعدين ل - مستعدين هيك من غير من غير تبريرات مستعدين لان نتعاون مع جهات نتأكد من انها يعني نتصرف بمعلوماتنا بصورة نزيهة. او بأي صيغة من الصيغ. يعني خلي الشيء العام حتى نخلي مجال للاستفسار الامريكي الرسمي ولجوابنا ولالصيغة والصيغة المقابلة هم</p> <p>[inaudible]</p>	<p>And we are prepared to ...eh...we are prepared, just prepared without reasons... we are prepared to cooperate with parties who are assured will treat our information in an honorable manner.[dictation ended re the statement to be issued] Or in any framework, let it be general so that we can allow space for the official American inquiry and for our response, the format and the response to it they</p>

ISGQ-2003-M0007419

	للحوار السياسي مثل ما سويينا بالنسبة للموقوفين اللي داخلين الحدود جهات الى اخره.	[inaudible] for the political deliberation like we did with the individuals who were stopped who had crossed the borders from other countries etc.
MV:	كمدخل	As an intro.
Saddam	ونحن نكون قد اعلنا مسبقا ضيعنا على الامريكان فرصة الاعلان المستقل. لانه اذا سوى اعلان ونحن نيجي ندافع ما رح حد يسمع كلامنا. وانا اميل [unintelligible] لهذا [unintelligible] الاعلامي. يعني. نعم	By us announcing first we would preempt the Americans independent announcement. Because if they do announce and we try to defend ourselves no one will listen to us, and I favor [unintelligible] for this media [unintelligible].....yes?
MV:	سيدي يجوز هي الصهيونية هي لعبت دور اساسي في	Sir it is possible the Zionists played a major role in it.
MV2:	حتى العفو ما انسى هذا كل ما راح للتحقيق لازم يصير له تسجيل خفي بالكاميرا وتصوير ناطق. كل ما راح للتحقيق حتى وهو يكذب وحتى وهو	And so that, pardon me, I don't forget, when ever he is taken to questioning you must have a hidden camera with a voice recording, when ever he is taken to be questioned, even if he lies and even if...
Tariq Aziz	يعيدوه- يعني يعيدوه مرة ثانية	Repeat it, repeat it again.
Saddam	وكل مرة نخط هذا الفيلم مال فلان يوم وهذا الفيلم مال فلان يوم وهذا الفيلم مال فلان يوم	And every time we show the film of this day and that day and so on.
MV:	[unintelligible] صورة [unintelligible] صورة	[unintelligible] picture [unintelligible] picture
MV:	عندنا صورة صورة	We have a picture, picture.
MV:	هم ما في	But not a...
Tariq Aziz	هذا سيدي- تسمح لي - خلي الفريق يقول له تعال نرجع للقصة من اولها شوي القصة مو واضحة -	Sir, if you will allow me, let the Gen. ask to repeat his story from the beginning because it is not clear to him.

ISGQ-2003-M0007419

Saddam	يعني عاود ذكر الموضوع كله.	You mean have him repeat the whole story?
MV:	نعم سيدي	Yes Sir.
Saddam	وايضا هذا هم اسلوب صحيح في التحقيق انه الواحد من يسأله عيد لي يشوف اشقد يختلف ووين يختلف. يعني اي الموضوعات يتناولها بدقة واي الموضوعات يتناولها بدقة اقل.	This is also a correct interrogation method, because when you ask the suspect to repeat their story, you check the facts against each other and see where they correspond and where not, meaning which topics he is detailed about and which not.
Tariq Aziz	نعم	Yes.
Taha	مش واضح – [unintelligible] العراق وانما الضغط على الفلسطينيين يعني اسرائيل سوتها	[unintelligible discussion] Iraq but the pressure is on the Palestinians but Israel did it.
Saddam	لا هي تحولها [unintelligible] بحاجة الى تحويل الرأي العام العالمي على قضية على جرائم تسميها عربية وفلسطينية.	No it changes it [unintelligible] needs to change the international public opinion against offenses called Arab and Palestinian.
Taha?	ايه حتى تحصل على دعم اكبر من امريكا [unintelligible] الفلسطينيين [unintelligible] الاجانب والضغط على العالم في موضوع [unintelligible]	Yes, so that it can get larger support from the US [unintelligible] the Palestinians [unintelligible] the foreigners and to pressure the world regarding the matter of [unintelligible].
	00:09:00	
Saddam	واحنا بغض النظر على ردود فعلهم عاد في مرحلة اخرى ورائها نبدي نطلع هذا الرجل في التلفزيون نطلعها كحلقات بس ما نخليه يشوفها التحقيق حتى لو بعضها ما مقتنعين بيها بحيث نخلي الرأي العام	As for us in spite of their response in the next step after that we should start showing this man on TV but show it a series of episodes without letting him [the suspect] see the interrogation, even if we are not convinced of some of

ISGQ-2003-M0007419

	<p>العالمي يظل يتابع الموضوع من جهتنا وننشئ اهتمام جدي بالحلقات التي الى ما اتطلعت على الحقيقة ما بإمكان الجهات الرسمية الاخرى ان تضمها. كالنغرس الاميريكي، مجلس الشيوخ يعني وراء ما نذيعها نبعث لهم تسجيلات عن طريق سفارتنا هي تسلم ظرف شخصي تعطيه لعضو الكونغرس فلان عضو مجلس الشيوخ الى اخره - ونقلهم اتطلعوا على هاي الحقيقة حتى تقدرتون تتابعون من تبدي هيكل جهات تهتم بهذا الموضوع رح نكتشف الحقيقة. نكتشف هاي اللعبة التي ارادوا يزجون بيها العراق ومنو القائم بيها وكيف دبرت. وتفيدنا كثير تفيدنا في موضوعنا. في موضوع موقف اميركا من عندنا.</p>	<p>what he says. We want to do it in a way to keep the international public opinion on our side and keep them following up on the episodes. We also want to create a serious interest in the episodes so that when the truth comes out the other official entities cannot hide it/cover it up like the US Congress and the Senate, meaning that after we broadcast them, we should send recordings through our embassy, which in turn will deliver it personally to the so and so Congressman or the so and so Senator etc. We then tell them to see the truth so that they can follow up. And when people like that, paying attention to this matter, we will discover the truth. We will discover the game that they wanted to push Iraq into and who carried it out and how they arranged it. It will benefit us greatly; it will benefit us in our issue in the matter of the stance that the US has taken against us.</p>
Saddam	<p>حتى في وثائق مجلس الامن لاحقا لما [inaudible] نقول لهم تفضلوا شوفوا شلون الملاحقة تجري على العراق. ليش تستغربون الامور الاخرى. اذا كانت في هذا المستوى من الاجرام ناس يضحون بناس مواطنين من عندهم - مو ممتلكات امريكية حتى يلحقون ضرر بالعراق. واذا طلعت الجهة التي قائمة بالعملية صهيونية بدون امريكا الرسمية فايضا هذه مكسب كبير للعرب ان تنفض قضية من هذا النوع.</p>	<p>Even concerning the Security Council documents later when [inaudible] we can tell them, to look and see how Iraq is being intentionally harassed. And why should they be surprised at what else happens. If things have reached such a level of criminality where people are willing to sacrifice their own citizens, not just American assets in order to bring harm to Iraq. And if it comes out that the entity that carried this operation out are the Zionists without the involvement of any American officials, then it would be a big bonus for the Arabs, if such a case were exposed.</p>
Saddam	<p>احنا في صيغة الاعلام اهم شيء ان لا [inaudible] الرأي العام العالمي العربي وكأنما نتعاون مع امريكا ضد المعارضة يعني يعني هذه</p>	<p>In our media the most important thing is not to [inaudible] the Arab public opinion as if we are cooperating with the US against the opposition I mean... I mean this - that is why our</p>

ISGQ-2003-M0007419

	<p>– ولذلك لأزم اعلاننا يتضمن شكوك على انه هذه شكوك بعناصر قامت بالعملية. لانه يجوز بالنتيجة هم نطلع – يعني خلي احتمال ولو ضعيف جدا عندي يطلع العمل فعلا تدبير ناس متطرفين</p> <p>[inaudible]</p> <p>قاموا بالعملية. فبها الحالة نتهم امام الرأي العام العربي وكما لو كنا نحن عاوننا الامريكان بسبب ضعفنا وخوفنا على ضد ناس عرب ومسلمين وشيء من هذا القبيل.</p>	<p>announcement should include doubts, showing that these doubts are in the parties who carried out this operation. Because it is possible that in the end we will discover – even if it is a very weak possibility that the operation was organized by a fanatic group [inaudible] who carried it out. In that case we would be accused by the Arab public opinion that we assisted the Americans because of our weakness and fear, against the Arabs and Moslems or something of that nature.</p>
Saddam	<p>ولكن من يقرون اعلامنا ينطوي على شكل مسبق بأنه هذه اريد منها الاساءة الى العراق من غير ما نقول بيها الاساءة الى العراق. ما نجيب</p> <p>[inaudible]</p> <p>العراق. لانه من يصير – هاي اساءة للعراق والى اخره يقصد منه وما يقصد منه – يفهم اعلامنا وكأنه دفاع عن النفس. بس يجي الاعلام بصيغة انه نحن اتطلعنا على معلومات مهمة تتعلق بالتفجير اللي حصل ولدينا من الوثائق يعني ما يكفي لتشيير الاتجاه الاولي على الكيفية التي صار بيها العمل اللذي حصل ولا نعرف ولا نستطيع ان نجزم حتى الان ما اي جهات اللي على علم باللذي نحن اتطلعنا عليه في امريكا ولم تروج هذا الاطلاع او هذه المعلومات. يعني الى اخره – يعني بصيغة من الصيغ الذكية لا تحوي كامل الصورة ولكن في نفس الوقت تموت اي اعلان دراماتيكي هم مخططين لان يقومون بيه ويعلنوه ويشوشون الرأي العام.</p>	<p>But when they read our media which will previously show that the intention was to harm Iraq without stating that there was harm to Iraq. We don't want to bring in the [inaudible] of Iraq. Because once it is – this is an insult to Iraq etc, this implies and doesn't imply, then it will seem like we are trying to defend ourselves. But when we state in our media that important information was uncovered, which has to do with the attack that happened and we have documents that are sufficient to indicate the initial set up of the operation that occurred and that we do not know, nor are we able to determine if there were entities in the US who knew of this operation but did not advertise or announce this information etc. Put [Announce] it is a smart way that would not give the full picture but at the same time would kill any dramatic announcement they intended to make to confuse the public opinion.</p>
Saddam	<p>بالعكس الراي العام يقوم يسمع من عندنا. نحن صرنا نصير مصدر المعلومات ويوميا نصحح بشيء جديد بحلقة من الحلقات ونخلي المتابعة الاعلامية كلها</p>	<p>And the opposite will happen, the public will listen to us and we become the source of information and then we reveal something new daily in one of the episodes and let all the media</p>

ISGQ-2003-M0007419

	تجري ومن خلال ال اه هي الشكوك رح تبدي تتجهه الى قصاها.	follow up, go through the eh... the doubts will start being directed to the target.
Tariq Aziz	نعلن انه شخص معتقل عندنا يعني ؟	So do we announce that it is someone who is detained by us?
Saddam	لا نحن نقول عندنا وثائق – عندنا وثائق واسايد والى اخره	No, we just say we have documents, we have documents and papers etc.
MV:	واسماء سيدي	And names Sir.
Saddam	واسماء من غير ما نشير الى التفاصيل بالمحلة الحالية.	And names without indicating the details at this point.
MV:	اسماء او وثائق؟	Names and documents.
Saddam	اسماء ووثائق.	Names and documents.
	00:13:35	
MV:	ها سيدي يعني هم الان يعرفون انه هو موجود بالعراق؟	Well, Sir, do they now know that he is in Iraq?
Saddam	هم ايش رح يقولون؟ رح يقولون انه سلمولنا ايه. سلمولنا الوثائق وال يعني هاي الوثائق نحن نقول لهم هذه لازم تجري ووفق ترتيب خاص. يعني الطلب لازم يجينا رسمي يعني بصيغة من الصيغ اذا الحالة لما نيجي نسلم لهم – نسلم لهم موقع من الطرفين. انه استلموا فلان تاريخ فلان كذا الاعترافات فلان الى فلان هون عندهم فلان شيء فلان شيء فلان شيء بحيث ما يقدر يضموها. ويسوون لنا الطريقة اللي كانوا مخططين.	What are they going to say? They are going to say, deliver the documents to us and the... eh... and that these documents we tell them that this must occur in certain arrangements. Well, we must get a formal request, in some sort of format when we go to deliver it to them – deliver it signed by both parties. That they were handed so and so, on so and so date, the confessions of so and so to so and so and that they have this and this and this, so that they can't cover it up, and harm us in the manner they were planning to.
MV:	سيدي رسميا عفوا مثل مال الامم المتحدة ويا جناب رئيس الوزراء. انه هذا الجانب يوقع وهذا الجانب يوقع – [inaudible] تلفزيون	Sir, officially, pardon me, like the UN with the Prime Minister- that this side signs and this side signs – [inaudible] the TV.
MV:	نعم نعم هو مال الدولة – التوقيع مال الدولة. لانه هاي وثائق لازم تصير	Yes, yes, it is the government's – the signature of the government – because these are documents that must be [inaudible] officially and the suspect

ISGQ-2003-M0007419

	[inaudible] بصيغة رسمية والمتهم ينقل بصيغة رسمية والى اخره.	transferred officially etc.
	مش واضح	[Unintelligible discussion/comments]
Saddam	مثل هذا الاعلان لما يحكون اي شيء العراق – والعراق ارهابي ويقول لك العراق عنده وثائق في هذا الموضوع وما عنده [inaudible] وصل للشيء الذي يتعلق بالارهاب والتهريب والعملية الاخيرة.	Well with this announcement, when they say anything about Iraq- that Iraq supports terrorism and then they have to say that Iraq has documents on this issue and they don't have [inaudible] it reaches the issues of terrorism, trouble making and the latest operation.
Saber	هم بنضبطون عليه لا يكون ينتحر هم احتمال [inaudible]	They need to watch him so that he doesn't commit suicide. There is a possibility [inaudible].
Saddam	ينتحر ويجوز اكو جهة هي تقتلك. فما يصير [inaudible] الحرس والخيزران وهناك يموتون	He could commit suicide and someone might kill him. They mustn't [inaudible] the guards, and whipping and then they die.
MV:	سيدي بس ملاحظة – هو عنده الجنسية الامريكية. فمحتمل واحدة من اللي ذكرها الفريق صابر [inaudible] بموجب المخابرات. وواحدة من الاشياء اللي كان معتمد عليها برزت في بداية الاعترافات مالتة انه هو على اساس بريطاني الجنسية.	Sir, just a comment. He has the American citizenship- it is possible that one of the things that Gen. Saber mentioned [inaudible] according to the intelligence service. And one of the things that he was depending on that came out in the beginning of his confession was that he is of British citizenship.
Saddam	نعم	Yes.
MV:	فما رح يسهل عليه الاجراء – يعني ما رح ينعدم او هو خطأ عليه. فيراد يفهم انه هذه بعيد عليه انه هذا القانون العراقي.	So it will not make things easier for him, that he won't be executed or be judged- he must understand that that won't happen that this is the Iraq law.
MV:	يفهم انه نحن نتعاون وياه عراقيا. هاي الجنسية الامريكية هاي عادة مو الالاف	He must understand that we will deal with him as an Iraqi. This American citizenship- don't thousands of Iraqis

ISGQ-2003-M0007419

	العراقيين يحملوها بصيغة الولادة – بالنسبة لنا هاي [inaudible] نحن رح نحاسبك على قانون وعلى جنسيتك العراقية.	carry it through birth – but to us it is [inaudible] we will deal with him according to the Iraqi law and his Iraqi citizenship.
Tariq Aziz	لا خلي هاي ما نستعجل بيها سيدي – [unintelligible] لانه هو افضل لنا انه يكون امريكي	No Sir, let us be prudent with this [unintelligible] because it is better for us if he is an American.
Saddam [possibly Qusay?]	لا غراض التحقيق	For purposes of interrogation
Tariq Aziz	نعم لا غراض التحقيق مش واضح	Yes, for purposes of interrogation. [unintelligible group discussion]
Saddam	ويا المتهم	With the suspect
Saddam [?]	ملاحظة قسي صحيحة – انه من تيجي على اساس جنسيته امريكية وما حد يقدر يضغط عليه بالتحقيق فنحن لازم نفهمه حتى نجرده من هالاتكاء السيكلوجي – نفهمه احنا رح نتعامل وياه يا معود على (بس مو ط ع) كثير من العراقيين اللي راحوا لندن وولدوا بالمستشفى ويسجلوا على حساب الجنسية الامريكية. اي نحن ما نشغلها هيك – ما نشغل ونتعامل وياه كعراقي ينطبق عليه القانون العراقي. الرحمة الوحيدة اللي ممكن تأخذها منا انك تتعاون ويا التحقيق بصورة صحيحة. وتقنعنا انه انت افادتك انت ما ... هاي طبعا توقيتها وايش وقت	Qusay's comment is correct- when we approach him based on his American citizenship we can not pressure him in our interrogation, we must make him understand that so that we can take away this physiological prop of his- we need to make him understand that we are going to deal with him on [comment from Tariq Aziz “but not”] many of the Iraqis who went to London and were born in the hospitals and then got recorded under the American [British?] nationality. We don't do things this way- we don't do things this way we deal with him as an Iraqi who is under Iraqi law. The only mercy he can receive is if he cooperates with the interrogation in a full manner- and convinces us that his confessions are not... Of course this needs timing – what time.
Taha	حسب تطور الاعترافات	Depending on the development of the confessions.
Saddam	ولكن اهم نقطة انه يكتمون والجهات اللي يشوفها	But the most important thing is that they keep it to themselves and the persons he sees [inaudible] and we must be very careful that he is not

ISGQ-2003-M0007419

	<p>[inaudible]</p> <p>ونسوي حذر شديد من احتمال قتله بالسجن بصيغة من الصيغ او انتحاره وما نخله يسمع او يشوف جرائد ولا يسمع ولا حد</p> <p>[inaudible]</p> <p>انه اليوم شو سمعت الاعلام؟ - يعني - عندنا هيك العراقيين عندنا هيك. التلفزيون اليوم اعلنوا عنك وكذا وكذا ويقوم يخرطلك ويسمع الشيء اللي نحن ما رايدون ما يسمعه يعني بطريقة غير مقصودة.</p>	<p>killed in jail in one way or another or commit suicide. We must also not allow him to hear or read the papers and to hear from no one to [unintelligible] "what did you hear in the news today?" you know, how we the Iraqis are "hey the TV today announced news about you so and so" and then he goes off and tells him everything and then he [the suspects] hears unintentionally what we don't want him to hear.</p>
	00:17:57	
Saddam	<p>لازم امر الحرس غير لجنة التحقيق - يعني امر الحرس على السجن لو ينطيه الاكل وينتبه على تصرفه داخل السجن ويطلعه ومو من بين الاعضاء اللي ذكرتهم.</p>	<p>Also his guards must be different from the interrogation team- the guard that deals with him in jail, feeds him and watches his behavior in jail and lets him out, must not be among the members I mentioned.</p>
MV:	<p>سيدي ولا من الحرس اللي طلوعوا من المخابرات واشتغلوا في السفارات الاجنبية.</p>	<p>And Sir, not from the guards who were transferred from the intelligence and who worked overseas in our embassies.</p>
Saddam	ولا من هذول	And none of those.
MV:	<p>[inaudible]</p> <p>سيدي عفوا - نبهتينا على شغلة انه الواحد حتى هو ابوه بأي سفارة من السفارات الدول الغربية وهو ولد هناك ينطوه جنسية مباشرة بالغرب</p>	<p>[inaudible] pardon me Sir, you mentioned that even if a persons father works at any foreign embassy and the person is born there, then he automatically gets a western citizenship</p>
Saddam	ايه	Yes.
MV:	<p>هم موجود هنا - فيعني ينراد الواحد يشوف له صيغة مثلا يسجلون عندنا او يسجل وقتي يعني ما يسجلون هناك يجي يسجل هنا من يولد خاصة</p> <p>[inaudible]</p>	<p>Well as the case is - we must somehow state that they must register here, or do a temporary registration there, that they must come and register here when they are born especially [inaudible].</p>
Tariq Aziz	وبأي وقت يقدر يطلع	And then they can leave any time.

ISGQ-2003-M0007419

MV:	وبأي وقت - يعني هذا سيدي بس مولود هناك ما [inaudible]	Any time – even though, Sir, that person is only born there [inaudible].
MV:	ينرد له دراسة هاي	We need to study that.
MV:	سيدي اكو هواي طلعا بعد ما كملوا كلياتنا بالعراق خصوصا القانون الالماني يقبل وراء خمسة وسبعين [inaudible] يقبلها من اي يولد [inaudible] يعتبر	Sir, there are many who left after they completed their education here, especially the German law which accepts 75 [inaudible] accepts it when they are born [inaudible] they consider.
MV:	يحفظولي ايها كحق [inaudible]	They keep it as a right [inaudible].
Saddam	اظن الي زمن معين	I think up to a certain time.
MV:	سيدي من يصل سن الرشد هو طالع وهو صغير اذا عائلته تطلبه رأسا يعطوه. سن الرشد [inaudible] اذا يريد يطلبها يطلبها.	Sir, when he reaches the legal age, and he had left when he was young, if his family asks him they [the Germans?] immediately give it. The legal age if he wants it he gets it.
MV:	اكو عراقي ولد بالطائرة لما كانت مرة بالاجواء البريطانية سجل بعدين [inaudible]	There was an Iraqi who was born on a plane in the British airspace who was then registered [unintelligible].
Tariq Aziz	صرح ناطق الرسمي [inaudible] توفرت لدى اجهزة المخابرات العراقية معلومات موثقة وخطيرة تتعلق بحادث تفجير المركز التجاري الدولي في نيويورك انه هذه المعلومات تثير شبهات عديدة حول الجهات اللي شاركت في الحادث او كانت وراءه. ان سلطات عراقية المختصة على استعداد للتعاون مع الجانب الاميريكي للتعرف على الحقائق. بشرط ان تكون الجهة	[typing sounds] an official spokesperson stated [inaudible] that the Iraqi intelligence organizations have documented and serious information regarding the attack which occurred on the World Trade Center in New York. This information raises several questions regarding the entities that cooperated in this operation or who were behind it. The said Iraqi authorities are prepared to cooperate with the American people to identify the facts. On the condition that the American entity undertaking such

ISGQ-2003-M0007419

	الامريكية التي تتولى ذلك جهة نزيه. ويفضل ان يتم ذلك بعلم الكونغرس الامريكي او اشرافه.	matter is an impartial [honest] one, and it is preferred that this is done with the knowledge of the American Congress or under its supervision.
Tariq Aziz	ملاحظة	Comment.
Saddam	نعم انا ردت (مش واضح) نسويها قضية	Yes, I wanted to [unintelligible] to make it an issue.
Tariq Aziz	هي رح تبدي تغزل	It is going to start to make up stories.
Saddam	ايه تغزل ونحن في كل الاحوال على الاقل الهدف الاساءة للناس بعد ما [inaudible] انتهى	Yes, make up stories and as for us in all cases the purpose of harming us after the [inaudible] is over.
Tariq Aziz	فجرنا القنبلة قبل ما	We pulled the trigger.
Saddam	فجرناها وخليناها عاشيه [inaudible] مو بالناس تغزل والعراقيين [inaudible] يبدوا - مفضلين مو على اساس مفضلين مفضلين	Yes, will be pulled and let it be [inaudible] but not allow them to make up stories about people and [inaudible] Iraqis – preferred but not on the basis ofpreferred.....preferred.
Tariq Aziz	نزل الدولار	The price of the dollar is down.
Tariq Aziz	احنا السلطات العراقية على استعداد تتعاون مع الجهات الرسمية للتعرف على الحقائق بشرط ان تكون الجهة الامريكية التي تتولى ذلك جهة رسمية	We, the Iraqi government, are willing to cooperate with the official entities to uncover the facts on the condition that the American party that undertakes the investigation is an official one.
Saddam	مفضلين ان تتولى	Preferring to undertake.
Tariq Aziz	للتعرف على الحقائق و	In order to find the facts and...
Saddam	الحقائق كما هي	The facts as they are.
Tariq Aziz	ونأمل ان الحقائق كما - ان تكون الجهة الامريكية التي تتولى ذلك جهة رسمية ويفضل ان يتم ذلك بعلم الكونغرس الامريكي او اشرافه. يعني نحن حتى اذا	And we hope that the facts as they – that the American entity that undertakes this is an official entity and it is preferred that it is done with the knowledge of the American Congress

ISGQ-2003-M0007419

	جوي ناس وشفناهم د يلعبون وكذا -- (تعليق مش واضح) يعني نحطهم نقاط رجعة.... نعم	or under its supervision. If people [a fact finding mission] come and we see that they are trying to play games and such [unintelligible comments] then we can put certain points of return Yes.
Saddam	ما ننحصر بحلقة فنية – نظل نأخذ وننطي. [unintelligible]	We don't want to bind ourselves to a technical point – we want to keep giving and taking [negotiating] [unintelligible].
Tariq Aziz	هسع	Now.
Saddam	بالتلفون	By phone.
	مش واضح	[unintelligible conversation]
Tariq Aziz	الساعة بالحدش سيدس يذيعوها بنشرات الاخبار	Sir, they will announce it on the 11 o'clock news.
MV:	تسعة -	Nine.
group	الكلام فوق بعض	[intelligible conversation - everyone was speaking simultaneously]
Saddam	يعني تصادف هما عندهم هناك؟	So what time will it be there?
Tariq Aziz	يعني ويا الغداء – تصلهم اذا بالحدش تطلع [inaudible] بالتلفزيون [inaudible]	Around lunch time- they will get it, if it comes out at eleven [inaudible] on TV [inaudible].
MV:	سيدي [inaudible]	Sir [inaudible].
Saddam	نعم	Yes.
MV:	سيدي في نفس الاجتماع على موضوع نتائج الانتخابات مال الاكراد قلت نحن ان الحكومة مو ويا اي طرف من الاطراف المعنية	Sir, in the same meeting regarding the topic of the election results, the Kurdish elections you said we – that the government does not favor a particular party.
Saddam	لا نحن ما رح [inaudible]	No we will not [inaudible].
Tariq	هم يعني – هم من اتصلوا بيينا نقول لهم	Well, when they call us, we will tell

ISGQ-2003-M0007419

Aziz	تعالوا ننسق شلون تيجون وننطيك المعلومات.	them lets arrange how they will come and we give them information.
	وشوشة	[whispering apparently into Saddam's ear]
	00:23:28	
Saddam	نحن قلنا ما نستلم الا من الرفيق قاسم خلي السفير يحيطه علم الرفيق قاسم بهذا اللي حصل. ويقول لنا شو رأي الرفيق قاسم. ابو زياد تخاير من الاذاعة مباشرة.	We stated that we will only receive information from Comrade Qasem, so let the ambassador inform Comrade Qasem of the developments and tell us what Comrade Qasem's opinion is. Abu Ziyad [Tariq Aziz] will you call directly from the station?
MV:	هذا تريده هسع؟	Do you want this now?
Group	نقاش من واضح	[unintelligible conversation]
Tariq Aziz	احسن ما ينخبصون سيدي	Better not, so that we don't cause too much of a sensation Sir.
Saddam	الاكراذ عندهم انتخابات يريدون يسوون بيناتهم. هاي الانتخابات الامريكان العام او عزولهم انه كل واحد خمسين خمسين. اليوم داخين. هالسنة هاي داخين الامريكان شلون خمسين خمسين لو يخلوهم يختلفون. احنا اهم شيء في هيك انه ما يحطولهم عدو دائما في خطر عليهم في جو الانتخابات. يعني بغداد شوي تعطيهم نفس حتى هم بيناتهم يشتدون. فخطر على بالي نقول انه نحن يعني - يعني نرى بأنه ما لازم تكون فوهة البندقية هي الحكم في قضايا معقدة كالتى تحصل في شمال الوطن. وقد تصرفنا رغم مرارة كل التطورات والظروف الصعبة التي مرت علينا عبر الاكثر من الثلاث سنوات الماضية على هذا الاساس ونرى بأن هذا المبدأ ينطبق على الجهات المتصارعة في منطقة الحكم الذاتي بغض النظر على اتجاهاتها وتمسياتها المتصارعة في ما بينها ونحث على ان يتجنبوا فيما بينهم تطوير الصراع الى حد الاحتكام الى فوهة	The Kurds want to hold elections amongst themselves. Last year, the Americans told them they had to be fifty-fifty. This year, they are preoccupied, this year the Americans are occupied and don't know if they should let them go fifty fifty or let them disagree. The most important thing to us in this is that they don't allow a permanent enemy to be dangerous to them during the elections. Let Baghdad give them some breathing space so that they can resolve it between them. It occurred to me to tell them that we, we see that it is not necessary for the gun to be the judge in complicated issues taking place north of the country. And that we have behaved, in spite of all the hurt of all the developments and difficult circumstances that we wet through in the last three years, on this basis. And we see that this principle applies to the warring factions in the self-governed area regardless of their leanings and titles, who are warring with each other and we encourage them

ISGQ-2003-M0007419

	البندقية. هاي وقوف.	to avoid escalating the disagreements to a point where they will need the gun to judge between them. That is it. Stop.
Taha	بغض النظر عن رأيينا بيهم.	Regardless of our opinion of them.
Saddam	ايه بغض النظر عن رأيينا بيهم وبموافقهم لانه سفك الدماء يؤذي الشعب ويخلط الاوراق.	Yes, regardless of our opinion of them and their issues because bloodshed will hurt the people and confuse the issues.
Taha	[unintelligible] وزير الداخلية [unintelligible] من وزارة الداخلية	[unintelligible] the Minister of Interior [unintelligible] from the Ministry of Interior Affairs
Saddam	لا هيك كلام يطلع من شخص. من شخص لازم. من شخص ويقولها بمناسبة.	No, a statement like this, needs to come from a person, from someone... from someone who can say it on the occasion of
Taha	[unintelligible] الامنية الداخلية.	[unintelligible] internal security
MV:	الداخلية مالتنا نعطي اعتراف بالاهداف مالتهم سيدي بال	Our interior [internal] we recognize their goals Sir in.....
MV:	لا نقاش سريع غير واضح حامي شوي - لو جنابك	No [a slightly heated intelligible conversation] if you please Sir.
Saddam	لا	No.
Tariq Aziz	او السيد النائب أو [unintelligible] يعني واحد من القياديين يعني بالمركزهم السياسي	Or the Vice President or [unintelligible] one of the leaders of those with a political office.
MV:	او رئيس الوزراء	Or the Prime Minister.
Saddam	اصفوا بيها يعني مو مستعجلة لانه زين لباكير وشوفوا شلون.	Think about it, we are not in a hurry, because tomorrow is fine and see what you think.
Tariq Aziz	هي مال الانتخابات مؤجلة يعني سيدي	Sir the elections are postponed.
MV:	قالوا [unintelligible]	They said the [unintelligible] the twelfth of the month- that was the latest

ISGQ-2003-M0007419

	انتعش الشهر - يعني اخر الاخبار اللي قريتها بالنشرات -	news I read.
MV:	يعني مو هسع	Then, not now.
MV:	هي ما تحددت عفوا سيدي يعني هو بداية الشغلة صارت- مسعود اعلن - اعلن قال انه نحن سبب الاضطراب في كردستان وعدم سيطرتنا الكاملة ونتيجة لي النتيجة المظلمة اللي نشوفها لمسقبل كردستان هو مسألة الفيقتي فيقتي لو نحن نقوت لو جلال يقوت - جلال اعترض وبعدين هم جماعة الحزب الديموقراطي الكردستاني ووياهم الاسلاميين صعدا رشاشاتهم على البيوت وقالوا لو تصير انتخابات لو نحن نصطدم وافق جلال بس بعد ما حددوا موعد الانتخابات.	They were not decided upon Sir- the thing started when Mas'oud announced - he announced that "we due to the confusion in Kurdistan and our inability to have complete control and as a result of the dark- as a result of the dark resolution we see in Kurdistan's future- which is the "Fifty Fifty" issue and that we must either step down or Jalal step down". Then Jalal objected and then the Democratic Kurdish Party joined by the Muslim fanatics set their weapons on the roofs of the houses and stated that either the elections take place or they will start clashing - so Jalal agreed but they have not yet set an election date.
Tariq Aziz	اليوم بالنشرة بشكل سريع ذكرنا اجلت خلال انتعش الشهر. [inaudible]	Today in the news they very quickly mentioned that they were postponed to the twelfth of the month. [inaudible]
Saddam	ايه يعني فكرة ونحطها على كيفنا نستكمل المعلومات ايش صار ونحط توقيتها وحتى صيغتها مرة ثانية وتذكر - بس كفكرة حتى ما انساها.	Yes, the idea is that we state it and then take our time in recording the information and the timeline and even reformat and mention it again - just as an idea so that I don't forget it.
MV:	تسمح سيادتك- يعني عائلة عبد الرحمن وجهنا للسكريتيرة نجيبهم ونحجزهم. انا ما أؤيد سيدي - هذول يعني مش رايد وعجوز و [inaudible] اذا نطلعهم اقله نشوف [inaudible] يعني من نخليه عندنا. [inaudible]	Sir, if you please, concerning Abed al Rahman family we issued directives to the secretary to bring them in and hold them. Sir, I don't support that Sir, he doesn't want to and he is an old man and [inaudible] if we let them go at least we can see [inaudible] when we keep them here [inaudible].
Saddam	يعني هي انثى	Well she is a female [inaudible] there in

ISGQ-2003-M0007419

	<p>[inaudible] هناك في امريكا وهي شافت</p> <p>[inaudible] من يروح ومن يجي والاخ هم يدري شكوا مكو. لازم هذا اخ بالبيت يعني ما معقول تمر عليه والحكي بالتلفون</p> <p>[inaudible] القدر وهذا فجرنا وهذا ردنا نسويه وبالتلفونات واخ يسده وما يحكي. لازم عنده شيء يفيد - نستدعيه للتحقيق.</p>	<p>the US and she saw [inaudible] who comes and who goes and the brother also knows what is up and what is not. We must, he is a brother at home, impossible for something like this to pass by him, there was talk on the phone [inaudible] "ability and this was bombed and this we wanted to do" and on the phones, the brother could have just put the phone down and didn't say anything. He must have something useful- call him in for interrogation.</p>
MV:	<p>نحن حققنا سيدي - عفوا سيادتكم - حققنا مرتين قبل اسبوع ولكن اليوم لاغراض الحجز لاغراض الاجراء الاحترازي</p>	<p>Sir, we questioned him Sir, pardon me Sir, we used to question him twice a week, but today for purposes of detaining him- for purposes of precautionary detention.</p>
Saddam	<p>ما انا اخاف ينهزمون</p>	<p>Well, I worry that they will flee.</p>
Qusay?	<p>ما ادري شنو درجة الانتباه اللي حطيط عليها</p>	<p>What level of alert have we placed on them.</p>
Tariq Aziz	<p>والله خيلهم اثنينهم محجوزين يعني بيها شيء مسيطر عليهم</p>	<p>Well, let them both stay in detention at least we can control them.</p>
group	<p>مش واضح</p>	<p>[unintelligible conversation]</p>
Saddam	<p>على الاقل اذا تجيب معلومات من هذا الاخ -</p> <p>[inaudible] ما تقول له اخوك اعترف قله نحن عندنا هيك معلومات فلان شيء فلان شيء فلان شيء- يبدي يفك عليهم</p> <p>[inaudible] معلومات اكثر منه اساسا.</p>	<p>At least if you get information from this brother [inaudible] and you don't tell him that his brother has already confessed just tell him that we have such information that says this and this and this. Then he will start to tell you, [inaudible] more information than a basis.</p>
group	<p>مش واضح</p>	<p>[Unintelligible]</p>
MV:	<p>سلام -</p>	<p>Good bye.</p>
	<p>اصوات</p>	<p>[Voices in background]</p>
	<p>00:30:30</p>	<p>[Silence]</p>

ISGQ-2003-M0007419

	00:34:19	[End of recording]
--	----------	--------------------



JTF-GTMO MATRIX OF THREAT INDICATORS FOR ENEMY COMBATANTS



(S//NF) Below are indicators used in JTF-GTMO detainee assessments to determine a detainee's capabilities and intentions to pose a terrorist threat if the detainee were given the opportunity. The indicators are not all-inclusive and are written primarily with the JTF-GTMO detainee in mind, though they can be tailored to other theaters. These indicators are used in assessments in concert with each other, and need to be read in the context in which they are placed within an assessment. While some individual indicators may be sufficient alone to provide an accurate assessment of the detainee's threat, others may require additional indicators or multiple occurrences of the same indicator for reliability and confidence. In all, the indicators are designed to point to the threat a detainee would pose if he were to be released from custody, and the intelligence that a detainee potentially possesses, ***not as evidence to prove a detainee's guilt or innocence.***

(U) How to use these indicators

(S//NF) JTF-GTMO primarily uses three types of indicators to assess a detainee: 1) the detainee himself provides acknowledgement of a fact; 2) another detainee, document, government, etc. provides an identification of the detainee; and 3) analysis of the detainee's timeline, activities, and associates in context with other known events and individuals. A fourth method may be available for a few select detainees in their SCI addendum, where special intelligence provides more specific information about a detainee.

- Examples of these three types of indicators are:
 - 1) The detainee admitted being in Tora Bora;
 - 2) ISN 252 identified detainee from Tora Bora;
 - 3) Detainee claimed he met a group traveling to Pakistan and joined them and was eventually captured with them. Analysis will show that the detainee's statements describe the events of the escape from Afghanistan and subsequent capture of the large al-Qaida force that was led out of Tora Bora by Ibn al-Shaykh al-Libi, which indicates the detainee was in Tora Bora with this group.

(S//NF) Many indicators can provide support to several categories, though they may not be listed separately under each category. For instance, capture details can provide indicators for membership and affiliation. They can also provide indications of participation in and support to hostilities, and indications of past or intended acts of aggression in support of or as a member of an organization. Sub-bullets in JTF-GTMO assessments are provided as indicators and supporting intelligence for an overall

assessment articulated in the primary bullet under which they fall, and should not be considered in isolation from the assessment they support.

(S//NF) For instance, the assessment that a detainee is a member of al-Qaida may be supported by three bullets stating his name was found on al-Qaida documents, another detainee identified him as a fighter on the front lines, and he acknowledged receiving two weeks of training at al-Faruq. Taken in isolation, receiving training at al-Faruq does not necessarily prove the detainee was a member of al-Qaida. When considered with the other two bullets, however, it is a valid supporting statement that the detainee was a member of al-Qaida, and together they create a strong level of confidence in the assessment. At the very least, receiving training at an al-Qaida camp indicates affiliation with and support for that organization.

(S//NF) HUMINT information – the primary source of intelligence for the assessments – is most often single-source. Single-source reporting about one indicator, when combined with other indicators, can provide sufficient details for analysis and assessment. However, these assessments are tempered by analysis of HUMINT sources' potential efforts to mislead US intelligence collectors. A HUMINT source may provide misleading information for a number of reasons, such as out of a desire to discredit a detainee, to protect a detainee, or to protect the source himself against incrimination through association – some sources may only be able to provide incriminating information about a detainee by indicating they themselves were in an incriminating situation.

(U) Capture

(S//NF) Details of the detainee's capture can provide indicators of membership and participation in or support to hostilities against US and Coalition forces.

- Transferred to US custody following hostilities on suspicion of extremist membership or on suspicion of participation in or support to hostilities
- Captured by US or Coalition forces during or immediately following hostilities¹
- Captured with a weapon or reported in possession of a weapon shortly before capture
- Sustained wounds before or during capture
- Capture while attempting to cross the border or at a checkpoint
- Captured attempting to enter Afghanistan following 11 September 2001
- Surrendered to Pakistani authorities²
- Captured by local villagers or in a hospital, such as several wounded al-Qaida fighters transferred to JTF-GTMO, and turned over to authorities

¹ "US or Coalition forces" indicate any forces either controlled by the US or cooperating with the US in Afghanistan

² At times detainees have claimed to have "surrendered" as a show of their peaceful intentions and cooperation, when in fact they were captured through force or the threat of force.

- Captured by US or Coalition forces in a raid on a suspected compound or safe house. The raid may have followed a tip-off of detainees or his associates' activities, or based on suspicion about the occupants or the facility itself.
- Captured abroad by foreign government law or intelligence officials
- Captured in disguise or in the company of disguised individuals, or members of detainee's group used disguises to facilitate their escape
- Captured with other al-Qaida or extremist group members, including identified detainee groups:³
 - Front line fighters - surrendered to or captured by Northern Alliance General Dostum's forces⁴
 - "Dirty 30"⁵
 - Captured in Afghanistan/Pakistan border regions with a group of Arabs around the November 2001 through February 2002 timeframe⁶
 - Karachi 6--detainees captured on 11 September 2002 in Karachi safe houses
 - Algerian 6
 - Syrian detainees
 - Abu Zubaydah's Faisalabad safe houses detainees
- Operated or captured in an area dominated by al-Qaida or Taliban forces or network operatives, or a key battle/campaign area including, but not limited to:
 - Gardez, AF
 - Kabul, AF, especially the Wazir Akbar Khan district
 - Kandahar, AF
 - Konduz, AF
 - Khwaja Ghar, AF
 - Mazar-e-Sharif, AF
 - Taloqan, AF
 - Tora Bora, AF⁷
 - Zormat, AF

³ Detainees, who give substantially different accounts of their capture from the accounts of other detainees with whom they were captured, or from additional reporting on the event, are assessed to be withholding information possibly to protect themselves or others.

⁴ These Northern Alliance forces captured hundreds of Taliban, al-Qaida, and associate forces in the Mazar-e-Sharif area following their rout on the front lines in Northern Afghanistan due in part to US bombardment. Northern Alliance forces took the majority of the detainees to the Qala-i-Jangi fortress, which was used as a holding facility. The combatants held at Qala-i-Jangi staged a violent uprising in late November 2001. (see Deception at Qala-I Jangi Prison - USSOC - May 2005)

⁵ For additional information on the "Dirty 30" and the intelligence value of bodyguards, see Bodyguard Profile ██████████ 23-OCT-2006 in ██████████

⁶ This time frame corresponds to the primary exodus from Afghanistan by al-Qaida and affiliate extremist forces seeking to escape US and Coalition engagements. This includes the forces led out of the area by UBL-appointed military commander in Tora Bora, Ali Muhammad Abdul Aziz al-Fakhri, aka (Ibn al-Shaykh al-Libi), ISN US9LY-000212DP. A large number of al-Qaida network forces were captured in Tora Bora and along the Afghanistan-Pakistan border, or just inside Pakistan after they fled the hostilities in Tora Bora. Many claim that they were simply passing through the area. However, other reporting places them in fighting positions in the region prior to their attempted escape. For more information, see the "Withdrawal from Tora Bora Analysis" in ██████████

⁷ ISN 252 stated a detainee was free to continue to Pakistan but decided to join the mujahideen and travel to Tora Bora. He added, "If you were in Tora Bora, you were not innocent, you were there to fight."

- Travel documents:
 - Captured without documentation citing the loss, theft, or inability to retrieve documents⁸
 - Captured with false, forged, unauthorized or illegally obtained, or altered documents
 - Captured while awaiting receipt of travel documentation
- At time of capture, detainee was in possession of a suspicious item such as:
 - Casio watch (F-91W)⁹
 - High-tech electronics¹⁰
 - Military radio/transceiver (indicates a position of leadership)
 - Satellite phone
 - Large sums of money
 - \$100 US bill(s)¹¹
 - Information on al-Qaida facilitators (hand-written pocket litter (personal effects))
 - Information about other detainees (indicates an association with the detainees)

(U) Foreign Fighter, Commission of a Belligerent Act, Participation in Hostilities

(S//NF) The main focus of these indicators is on combat activities, though support for such activities constitutes participation in hostilities, including either a completed act or a demonstrated intention. JTF-GTMO defines the term *fighter* as a combatant who participated in hostilities, attended training in preparations for hostilities, or who traveled to the region with the intent of participating in hostilities. JTF-GTMO defines *hostile act* as participation in armed conflict, or an individual's voluntary presence at a location at which combat operations occurred, such as the front lines of battle or the Tora Bora Mountains.

- Detainee admitted participating in hostilities
- Detainee attacked US or Coalition forces

⁸ Some fighters were directed to discard their passports during the egress. Others were informed to give their passport to an individual who would attempt to smuggle the passports across the boarder to give to the fighters at a later date. This was conducted in order to protect the individual's identity if captured.

⁹ (U//FOUO) The possession of a Casio F-91W model watch and the silver-color version of this model, the A159W, is an indicator of al-Qaida training in the manufacture of improvised explosive devices (IEDs). A JTF-GTMO identified the Casio watch as "the sign of al-Qaida, [which] uses the watch to make bombs." The Casio was known to be given to the students at al-Qaida bomb-making training courses in Afghanistan, at which the students received instruction in the preparation of timing devices using the watch. Approximately one-third of the JTF-GTMO detainees that were captured with these models of watches have known connections to explosives, either having attended explosives training, having association with a facility where IEDs were made or where explosives training was given, or having association with a person identified as an explosives expert.

¹⁰ In cases where a detainee's background and training are not directly related to electronics, such items can be an indicator of association with IED detonators.

¹¹ A detainee without a job and in Afghanistan for any significant length of time is unlikely to have a \$100 US bill. It is known that al-Qaida leadership passed out \$100 US bills to assist the fighters when they fled Afghanistan.

- Identified by other detainees or government agencies as having participated in hostilities
- Identified as a fighter (mujahid, “brother”)
- Identified as carrying a weapon during hostilities¹²
- Identified as serving in a leadership role during hostilities, including carrying communication equipment during hostilities
- Identified as providing logistical support, weapons, facilitation, or finances to personnel or forces engaged in hostilities
- Identified being at the front lines or other known battlegrounds, such as Tora Bora
- Identified as voluntarily being in a location of hostilities (such as to visit a relative)
- Surrender or captured on the front lines or following hostilities
- Travel for or shows commitment to violent jihad¹³
- Travel to Afghanistan or Pakistan after 11 September 2001
- Detainee is a non-Afghan and was in Afghanistan (or attempted to enter Afghanistan) after June 2001¹⁴
- Received or sought weapons training in Afghanistan or Pakistan, often at an al-Qaida affiliated camp or on the battle front
- Use of a common cover story, or unsubstantiated timeline and activities in Afghanistan or the surrounding countries (cover stories are discussed in more detail under al-Qaida)
- Identified as a fighter in another jihad such as Bosnia and Herzegovina or Chechnya

(U) General Membership Indicators

(S//NF) The following lists general indicators that can be applied to identify a detainee’s affiliation or membership in an organization. Membership and willful affiliation are also direct indicators of support by the detainee to the organization. JTF-GTMO defines ***member of or membership in*** as an individual within a social group, participating in the group, or acting on behalf of the group to reach a common goal for the benefits and interests of the participants; sharing certain characteristics, expectations, obligations with other group members; receiving support from the group; or operating under a shared

¹² Al-Qaida and other extremist organizations use the term “brother” to identify a member or associate of their organization. It is synonymous with the term mujahid when discussing hostilities. Mujahid (plural mujahideen) is the Arabic term for religious fighter, often seen in reporting as jihadist.

¹³ (U//FOUO) Detained “shoe bomber” Richard Reid stated, “Muslims who say that jihad has nothing to do with violence or the defense of Islam, were not true Muslims. Linguistically, jihad translated into English as ‘struggle.’ However, the *sharia* [Islamic Law] definition of jihad, which allows for violent combat, was not the same as the linguistic translation.” He also noted, “The current jihad being waged by al-Qaida and other mujahideen was a defensive jihad.... Any Muslim who does not acknowledge that the world was currently in a state of defensive jihad, in which participation was mandatory, was either ignorant or a hypocrite.”

¹⁴ Although similar to the post 11 September travel, this is an independent indicator that, while not determinative, can be linked to other indicators to provide a more accurate assessment. Attempted travel into Afghanistan, even if unsuccessful, is an indicator of support to those forces that were participating in hostilities.

hierarchy of leadership.¹⁵ JTF-GTMO defines the term **associate** or **association with** as an individual who had a working or personal relationship with a member of an organization, or who participated in activities with or on behalf of an organization, but who is not himself categorized as a member of that organization. These individuals are often members of another allied terrorist organization. An example of an associate based on this definition would be a facilitator who provided the travel arrangements or forged documentation for a member of another organization.¹⁶

(S//NF) A detainee's admission of membership in a terrorist group, particularly al-Qaida, is taken as sufficient evidence of that membership. However, where such an admission is absent, multiple identifications by other sources that a detainee was a foreign fighter in Afghanistan provide corroboration and a high degree of reliability and confidence in the assessment that a detainee was affiliated with a group supporting foreign fighters, though such corroboration is not necessarily a requirement for an assessment.

- Admitted membership or identified as a member by other associates, members, media, or documents
- Facilitated, recruited, or provided other support to the organization or its members
- Affiliated with known members of the organization, especially if claimed associations to other non-members cannot be confirmed
- Detainee has familial ties to a terrorist organization, or non-governmental organization that supports terrorism
- Occupied facilities operated by, or on behalf of, the organization
- Engaged in activities for which the organization is known
- Shares a common ideology or political goals with the organization
- Operated or captured in or around an area of where a terrorist organization was active during the relevant time frame
- Captured or arrested while attempting to cross an international border illegally (i.e., US-Mexico or Afghanistan-Pakistan) due to extensive extremist use of false documents or other surreptitious means such as avoiding boarder posts or traveling in disguise
- Attempted US entry through legal means (but denied), especially with a poorly developed story for purpose of US visit as in the case of ISN SA-063, a 20th 11 September hijacker¹⁷
- Non-cooperative at GTMO¹⁸

¹⁵ Swearing bayat(oath of allegiance) to Usama Bin Laden (UBL) or being identified as a member of al-Qaida by Khalid Shaykh Muhammad, for instance, is not the sole basis for supporting a determination of membership in al-Qaida..

¹⁶ The term affiliate or affiliation identifies an individual who was a either a member or an associate of an organization. This includes an individual that was a member, had a working or personal relationship with a member, or participated in any activities with an organization.

¹⁷ See information relating ISN 063 in "911 Staff Report on Terrorist Travel 21-AUG-2004" in [REDACTED] This document provides details on his attempted US entry as well as his passport.

¹⁸ Cooperation is rewarded and is explained to the detainee as his best path to repatriation. Non-cooperation is seen as an indicator that the detainee is willingly withholding information of law enforcement and intelligence value in support of the detainee's assessed affiliate organizations and personal associates who may still be at large and fighting against US and Coalition forces. The detainee's

(U) Member of, or affiliation with, al-Qaida and the al-Qaida Network

(S//NF) The following provides the primary indicators for assessing a detainee's membership or affiliation with al-Qaida.

- Identification
 - Detainee was identified as or admitted membership in al-Qaida
 - Detainee's name or alias was found on al-Qaida membership lists, computer hard drive, other electronic media, or documents found with known al-Qaida or support elements; or on media or documents which identify al-Qaida personnel or support elements
 - Name found on receipts or associated with al-Qaida equipment or facilities owned, rented, or used by al-Qaida.
 - Name found in US Government or international intelligence or law enforcement databases as a member of al-Qaida
 - Acknowledged or identified as serving under al-Qaida leadership
 - Associated with or recognized by al-Qaida network leaders, network operatives, or key members including, but not limited to:

Usama bin Laden (UBL)	Ayman al-Zawahiri
Khalid Shaykh Muhammad (KSM), (ISN US9KU-010024DP)	Nashwan Abd al-Razzaq Abd al-Baqi, aka (Abd al-Hadi al-Iraqi), (ISN US9IZ-010026DP)
Abu Hafs "the Mauritanian" / Muhammad Atif (religious advisor)	Abd al-Qadus (Tora Bora commander and training camp commander)
Abu al-Layth al-Libi	Abu Doha
Abu Muhammad al-Masri	Abu Musab al-Suri
Abu Musab al-Zarqawi or The Zarqawi Network	Abu Qatada
Abu Yasir al-Jazaieri (facilitator)	Zayn al-Abidin Muhammad Husayn, aka (Abu Zubaydah), (facilitator) (ISN US9GZ-010016DP)
Ahmad Ressam	Baraqat Yarkas
Riduan Bin Isomuddin, aka (Hambali), (ISN US9ID-010012DP)	Hamza al-Ghamdi
Ali Muhammad Abdul Aziz al-Fakhri, aka (Ibn al-Shaykh al-Libi), (ISN US9LY-000212DP) ¹⁹	Jaffar al-Jazaieri
Luqman	Marwan (recruiter) ²⁰
Sharqawi Abdu Ali al-Hajj, aka (Riyahd the	Sayf al-Adl (commander)

cooperation can lead to the arrest of these individuals, and his refusal is therefore assessed as support to those organizations.

¹⁹ Believed to be in Libyan custody.

²⁰ Marwan Muqbil, aka (Marwan Ahmad Muqbil Salih), aka (Marwan Qassim Jawan), aka (Abu Ali al-Yafii)

Facilitator), (ISN PK9YM-001457DP)	
Sami Essid (Cell leader and facilitator)	Sulayman Abu Ghayth (spokesman)
Swift Sword, aka (Yusuf al-Iyari) (facilitator)	UBL bodyguards
Yazid Sufaat (anthrax researcher)	Radical religious figures (such as Shaykh Jabril, Shaykh Muqbil Wadi, Abu Hamza al-Masri)
Other facilitators, financiers, recruiters, and other force multipliers as identified in assessments and intelligence reporting	

- Recognized or identified by other known or assessed al-Qaida members
- Detainee has familial ties to al-Qaida members
- Volunteered to perform special tasks for al-Qaida (e.g., martyrdom operations, special training, etc.)
- Swore *bayat* to UBL²¹
- Detainee's travel arrangements, funds, weapons or other support provided by al-Qaida
 - Al-Qaida funded travel to Iran, Pakistan, or Afghanistan
 - Another individual paid for travel tickets or provided travel expenses
 - Another individual provided travel documents (visa, passport, etc.)
 - Another individual assisted in obtaining travel documents expressly for the purpose of traveling to Iran, Afghanistan, or Pakistan (not including travel agency assistance)
 - Passport or personal effects left at a safe house
 - Travel, particularly to South Asia, on a student visa without requisite previous education, without actual university enrollment, or without actually attending an educational institution following travel
 - Travel on a medical visa without a medical need, or without actually receiving medical treatment (see cover stories)
 - Stayed at an al-Qaida safe house or guesthouse
 - Al-Qaida provided food, clothing, weapons
- Traveled to Pakistan or Afghanistan using a common al-Qaida global terrorism network transit routes
 - From country of residence through Syria or Turkey to Iran then Afghanistan or Pakistan (this route was primarily followed by persons from North Africa, East Africa, Europe, Lavant, North West Saudi Arabia, and Yemeni's from Hudaydah. Many North African's first made their way through London.
 - Layovers of several days to several weeks in Damascus, SY, Tehran, IR, Meshhad, IR, Zobul, IR, Tayyebat, IR, or Zahedan, IR
 - Flight from country of residence through UAE to Pakistan (this route was primarily followed by Gulf Arabs (including Saudi Arabia and Yemen)
 - Flights into Karachi, PK, with overland transit to Quetta, PK, then Kandahar, or Kabul (via Kandahar, Khowst, or Peshawar)

²¹ Includes those who are assessed to have sworn *bayat*.

- Flights into Lahore, PK, or Islamabad, PK, with overland transit to Afghanistan via Peshawar or Khowst
- Flights from Asia terminated in Karachi, Lahore, or Islamabad with overland transits as noted above
- Transit including a stay at al-Qaida, Taliban, or extremist guesthouse, supporting hotel, mosque, university/madrassa, or NGO office:²²
 - Karachi (especially those in Gulshin-Iqbal and Sadar Bazaar areas), Lahore, Islamabad, Peshawar, and Quetta, PK
 - Hotels in Karachi (Dubai, Embassy, Emirates, Furan, Gulf, Mashriq, Mehran, Mustafa)
 - Herat, Kandahar, Kabul, Jalalabad, Logar, Khowst, AF
 - Taliban Guesthouse or office, Daftar Taliban, in Quetta, PK
 - Other facilities as noted in assessments and intelligence reporting
- Detainee has traveled on, or at some time possessed, false documents; especially with known or suspected al-Qaida or al-Qaida-associated forged stamps
- Attempt to egress from Afghanistan or Pakistan through Chah Bahar, IR, especially when route of travel for ingress was through Pakistan²³
- Association or affiliation with mosques or Islamic institutes where known al-Qaida members were recruited, facilitated, or trained including, but not limited to:
 - Abu Bakr International University in Karachi, PK²⁴
 - Al-Khayr Mosque in Sana'a, YM
 - Al-Sunna (aka Assunna) Mosques in Quebec, CA
 - Dimaj Institute in Sadaa, YM
 - Finsbury and Bakers Street (Four Feathers) mosques in the UK
 - Leannec Mosque in Lyon, FR
 - Islamic Cultural Institute Mosque in Milan, IT
 - Makki Mosque in Karachi, PK (Jama'at Tablighi mosque)
 - Wazir Akbar Khan Mosque in Kabul, AF
- Assessed to be a member of, or affiliated with, the 55th Arab Brigade (aka the UBL Brigade, aka the al-Qaida Brigade, etc.) in Afghanistan
 - Served under brigade leadership such as Mullah Thakir, Abd al-Hadi al-Iraqi, and Abd al-Salam al-Hadrami
 - Occupied known brigade positions or facilities such as the Omar Sayf Center, the Bilal Center, and unspecified front line kitchen or rest area
 - Associated with known brigade members on the front lines
 - Claimed to be a cook or a guard in the rear area, support lines, or positions
 - Identified on the front lines or known to have visited the front lines

²² The European mosques served both al-Qaida and the North African extremist groups (see Algerian Extremist Recruitment in Europe 31-MAY-2004, Homeland Security Focus Report on Terrorist Recruitment 21 Oct 2005, Recruiting For Jihad Europe, and the [REDACTED] Bin Landens Terror Network in Europe).

²³ Al-Qaida attempted to extract some Yemeni's by boat from Chah Bahar to Oman

²⁴ For additional information on the significance of the Abu Bakr and Dimaj institutes, see the Abu Bakr University Analysis in [REDACTED] – References – DAB.

- Foreigner speaking a language other than those used in Afghanistan claiming to have fought for the Taliban
- Use of common al-Qaida cover stories²⁵
 - Humanitarian
 - Assisting the poor
 - Charity work
 - Missionary work
 - Religious
 - Attending training for jihad in Chechnya or Bosnia
 - Religious obligation
 - Teaching or studying the Koran or Islam; Dawa²⁶
 - To live in, or experience, a true Islamic nation
 - Social/economic
 - Honey or merchandise purchase, sales, or trade
 - Met a traveler and simply went with him
 - To find a job
 - To find a wife
 - To visit a relative
 - Vacationing
 - Detainee's denials about ever having traveled to Afghanistan, coupled with reporting or analysis to the contrary
 - Detainee has poorly detailed or unconvincing travels, activities, and associates. Cover story is not logical, contains gaps, or detainee cannot provide the names of places visited or personnel with whom he associated who could verify the detainee's claims
 - Conducted no significant activities during a lengthy stay in Afghanistan (such as claims that he stayed in a house and just studied the Koran)
 - Fled country of residence for fear of incarceration or prosecution
 - Fled with Arabs without realizing they were armed combatants; just "followed the crowd"
 - Innocent bystander sold to US forces;²⁷ as an attempt to "prove" their innocence (to further hide their actual involvement with extremism), some al-Qaida detainees claimed they were unjustly captured and sold for a bounty, or were unable to pay a solicited bribe

²⁵ ISN 254 stated that he is incapable of telling anything but the truth because he is a Muslim and true Muslims do not lie. When an interrogator explained to ISN 254 that another detainee had initially claimed to have gone to teach the Koran, and then he changed his story, indicating that he went to a training camp instead, ISN 254 explained that the other detainee didn't lie, he just told the other side of the story.

²⁶ Cover stories listing dawa or to teach the Koran are particularly suspect when the individual does not possess the requisite education and religious knowledge to perform this duty. Additionally, studying the Koran is easier and more supportive in the detainee's local Islamic community, making travel for this purpose unlikely unless the individual can prove he actually enrolled in a course of study in Pakistan. Studying the Koran or Islam is a common cover story, especially since such religious training was actually instructed at al-Qaida training camps and guest houses.

²⁷ JTF-GTMO has no official confirmation that any of the JTF-GTMO detainees were sold to US forces for a bounty.

- Forced conscription; this is an attempt to show they were unwilling participants, a cover story to remove incrimination
- Medical attention in Pakistan²⁸
- Cover story has changed
- Assumption and use of an alias²⁹
- Other cover stories as identified in assessments and intelligence reporting
- Attended events sponsored by al-Qaida or attended by al-Qaida members, such as the UBL's son's wedding
- Employment of known counter interrogation and resistance techniques taught to al-Qaida cadre (i.e., in the "Manchester Document")
 - Repeating a cover story by rote is considered an indicator of resistance techniques, i.e., techniques consciously used to resist divulging information to US officials. These techniques were taught in al-Qaida camps and detainees receive additional guidance in resistance during detention.
 - "It's in my file." Detainee's use this resistance technique to keep from answering questions. This prevents the interrogator from verifying control questions necessary in determining the detainee's veracity. This also prevents the detainee from being caught in a lie, especially when he is unsure of what information he has given in the past. Detainees will use this technique even for questions they have not been asked in the past.
 - Refusal to cooperate. Some detainees will discuss mundane issues with interrogators in order to appear cooperative but do not answer intelligence questions. Other detainees may attempt to control the interrogation session by voicing and maintaining focus on perceived offenses to the detainees or through false or exaggerated claims of abuse or problems with the guard force. Such tactics prevent the interrogator from asking intelligence questions. Others will feign medical issues or will refuse to even acknowledge the interrogators presence.
 - As an attempt to show cooperation without divulging information, detainees will interpret the questions with limited definitions. A detainee has pointed out that being asked if you know an individual is not the same as meeting or seeing the individual, knowing an individual implies familiarity while meeting an individual implies limited contact. Likewise, working for an individual was not the same as helping or being employed by the individual, with a distinction between the receipt or non-receipt a salary and whether or not the salary was on an ad hoc or regular schedule. The questions actually posed to the detainees impact their interpretations of the question and subsequently their answers.

²⁸ Senior al-Qaida facilitator Abu Zubaydah stated he provided forged documents for Arab "brothers" certifying that their travel to Pakistan was for official business or medical treatment. He also stated that al-Qaida sought to use individuals with bona fide medical conditions as couriers, because they could obtain a valid medical visa. Senior al-Qaida facilitator Abu Bakr Muhammad Bulghiti, (aka Abu Yasir al-Jazaieri), said mujahideen who traveled for a prolonged periods of time to Pakistan or Afghanistan needed an explanation for their travel when returning to their home country. Therefore, it was common to obtain an authentic document showing medical treatment by bribing a doctor at a hospital in Pakistan.

²⁹ Extremist organizations direct their personnel to assume an alias for security purposes. Detainees have also falsely denied having an alias.

- Provided other material support to al-Qaida, e.g., recruiter, facilitator, propagandist, forger, financier, etc.
 - Associated with evidence of facilitation (movement/transit; paid for travel, arms, or supplies) or received such facilitation (beyond basic travel facilitation to Afghanistan)
 - Member of NGO other organization listed as providing support to terrorism
- Presence or attendance at al-Qaida and affiliated training camps in Afghanistan or Pakistan including, but not limited to:³⁰
 - Al-Faruq (several al-Faruq Camps were in existence since the late 1980s)
 - Camp Malik
 - Derunta Camp
 - Khaldan Camp
 - Tarnak Farm
 - Torkham/Libyan Camp
 - Mes Aynak Camp
 - Training on the front lines
 - Received specialized al-Qaida training (e.g., bomb making, surveillance, etc.; implies having previously received basic training, which was a prerequisite for advanced training)
 - Received training with or under other al-Qaida personnel
 - Received training at a guesthouse or an unspecified or unknown training camp
 - Other training facilities as identified in assessments or intelligence reporting
- Non-Afghan carrying a weapon in Afghanistan
- Detainee has extensive international travels, especially if poorly detailed, unconvincing, or implausible³¹
- Other indicators as noted in assessments and intelligence reporting

(U) Member of, or affiliation with, the Taliban or Anti-Coalition Militia (ACM)

(S/NF) The following provides the primary indicators for assessing a detainee's membership or affiliation with the Taliban or ACM elements other than al-Qaida.

- Detainee admitted be Taliban
- Identified as a leader or member in the Taliban³²
- Acknowledged or identified as serving under Taliban leadership
- Name found on Taliban documentation, such as membership lists
- Detainee has familial ties to Taliban officials

³⁰ Some detainees have acknowledged their presence at a training camp, but deny receiving training in an attempt to show they were not affiliated with al-Qaida, even when confronted with reporting to the contrary. It is unlikely a detainee would visit a training camp, but then refuse to receive training for fear of being branded a spy. Follow-on training (advanced training) is an additional indicator of recruitment for al-Qaida membership. Basic training at an al-Qaida camp is an indicator for membership in al-Qaida, but should not be used as the sole determinant factor for such an assessment.

³¹ International travels can be an indicator of facilitator, courier, recruiting and operations activities such as surveillance of targets.

³² The identification of detainee as a governor, for instance, should be considered with the fact that governors commanded troops.

- Associations with Taliban or ACM leaders
 - Mullah Muhammad Omar
 - Al-Tayib Agha
 - Jalaluddin Haqqani
 - Khirullah Said Wali Khairkhwa (ISN US9AF-000579DP)
 - Mullah Berader
 - Mullah Dadullah Lang
 - Mullah Fazl
 - Mullah Muhammad Fazl (ISN US(AF-000007DP)
 - Wakil Ahmad Muttawakil (ISN US9AF-000548DP)
 - Various Taliban Ministries
 - Other leadership and key members as identified in assessments and intelligence reporting, including those assessed to have been conduits between Usama Bin Laden and the Taliban
- Associations with non-Taliban ACM organizations
- Association with Pakistan ISID, especially in the late 1990s up to 2003
- Attendance at Taliban training camps or received training from a Taliban member, especially after 11 September 2001
- Occupied Taliban support facilities
- Captured with other Taliban
- Possessed weapons, explosives, mines, etc.³³
- Use of common Taliban cover stories
 - A simple farmer
 - Arrest was the result of a personal feud with an individual with good ties to the current Afghan government, US, or Coalition forces
 - A conscript³⁴
 - Claimed to assist Taliban at the risk of personal harm
 - Simply served as a cook or supply clerk
 - Assumption and use of an alias
- Affiliation with Afghanistan narcotics trafficking³⁵
- Provided financial support to Taliban forces
- Provided intelligence or conducted surveillance in support of hostile forces
- Provided logistical support, transportation, food services, etc

(U) Other Indicators Requiring Consideration

³³ Possession of an AK-47 is common in the region for Afghans. Therefore, it is important to identify types and quantities of weapons.

³⁴ Though some detainee claims of conscription are true, the fact of conscription does not negate the fact of membership in the Taliban. ISN 092 is an example of a detainee who successfully applied the conscription cover story as a means to secure his release from US custody. He could not have done so without the support of other detainees willing to withhold information about him.

³⁵ Connections to narcotics can be a fundraising platform for the Taliban and ACM elements, but cannot serve as the sole indicator for membership in the Taliban.

(S//NF) The following are indicators that may not sufficiently demonstrate a detainee's threat when taken separately. These indicators should be considered in light of the other indicators and reporting from and about the detainee, his associates and his activities.

- Detainee prescribes to militant Islam and is a committed jihadist likely to rejoin the fight if released
 - Uncooperative with interrogators
 - Traveled to Afghanistan for jihad or religious obligation
 - Long-term associations with extremist groups
 - Participation in multiple jihads
 - Received advanced training
 - Threats against guard staff, US officials, the American public, other religions, and Israel during detention
 - Confirmed attacks or violence against US service members
 - Served in a leadership or force-multiplier role
 - Limited prospects following release
 - Detainee has radical Islamic training through known facilities such as the Islamic Institute in Kandahar or other identified mosques, madrassas or teachers, such as Shaykh Issa al-Masri
 - Detainee participated in one or more hunger strikes during detention
- Detainee supported any extremist group through an NGO
- Detainee's timeline cannot be confirmed and he admits, or is identified or assessed to have spent weeks or months in Kandahar prior to November 2001, where he could have attended al-Faruq
- Detainee is not identified by senior extremist leadership – this can be an indicator that detainee was not well known or not part of the organization
- Detainee retracted earlier claims. Detainees retract claims after arriving at JTF-GTMO when they realize that they will not be abused. Earlier periods of captivity were productive in obtaining intelligence as detainees were not aware of how the US would attempt to illicit information and they were taught ways to resist torture leading them to assume it would be used against them.
- Detainee's claims are out of context with known facts. For instance, a detainee claims to be unemployed and poor, but was caught with \$1,000 US after being in Afghanistan for 6 months. Or, a detainee claims he went to teach Islam but he does not have the requisite education to do so.
- Detainee provided a false name, timeline, or biographical details upon capture
- Detainee's ability to recognize and discuss individuals of interest to the Intelligence Community, while claiming to be an innocent bystander or unassociated witness
- Detainee claims he never heard of al-Qaida before coming to JTF-GTMO. This is unlikely; though it is possible al-Qaida may be referred to as the World Islamic Front for Jihad Against the Jews and Crusaders in Arabic media, or simply the UBL organization. It is more probable that detainees falsely make this claim as an attempt to demonstrate they are not affiliated with al-Qaida.

(U) Associated Forces:

(S//NF) **Associated forces** are those militant forces and organizations with which al-Qaida, the al-Qaida network, or the Taliban had or has an established working, supportive, or beneficiary relationship for the achievement of common goals. Associated forces are identified in intelligence reports and US government terrorism lists. These lists include, but are not limited to:

- The Department of State list of designated Foreign Terrorist Organizations (FTOs)³⁶
- Department of State Country Reports on Terrorism, which include FTO and the Other Groups of Concern list³⁷
- The Patriot Act Terrorist Exclusion List, also published by the Department of State³⁸
- The Department of the Treasury Office of Foreign Assets Control Specially Designated Nationals (SDN) list³⁹
- Additional guidance is provided by the National Intelligence Priorities Framework (NIPF)⁴⁰
- Other terrorist organizations, terrorist support entities, and individuals identified in assessments, intelligence reporting and US Government designated terrorism lists

(S//NF) The following is a list of terrorist and terrorist support entities identified as associate forces. This list is not all inclusive but provides the primary organizations encountered in the reporting from and about JTF-GTMO detainees. Through associations with these groups and organizations, a detainee may have provided support to al-Qaida or the Taliban, or engaged in hostilities against US or Coalition forces.⁴¹

Afghan Support Committee (Afghan Support Group) [ASC, ASG]	Al-Itihad Al-Islami [AIAI] ⁴²
Al-Muhajiroun [ALM] ⁴³	Al-Qaida Network ⁴⁴

³⁶ <http://www.state.gov/s/ct/rls/fs/37191.htm>. This list is designed to heighten public awareness and international concern of terrorist organizational activities and to support efforts to curb terrorist financing

³⁷ <http://www.state.gov/s/ct/rls/fs/2005/65275.htm>. This list includes those organizations that are not designated as an FTO under 8 USC Section 1189.

³⁸ <http://www.state.gov/s/ct/rls/fs/2005/32678.htm>.

³⁹ <http://www.treas.gov/offices/enforcement/ofac/sdn/>, used in determinations of asset freezing or forfeiture.

⁴⁰ http://www.fbi.gov/hq/nsb/nsb_faq.htm. The NIPF guides the operation, planning, and programming of US intelligence analysis and collection.

⁴¹ Known or suspected of wittingly or unwittingly providing support or cover to al-Qaida or other terrorist organizations, the nature of the association needs to be further refined before an EC determination can be made. A full list of managers or employees of specific NGO branches and offices supporting al-Qaida or other terrorist organizations has not yet been published.

⁴² This is the East Africa group, not the Itihad in Afghanistan connected to Rasul Sayyaf.

⁴³ References to this should be specific in that it is an actual organization. Al-Muhajiroun/Muhajirun itself is Arabic for "Emigrants" and can be used to describe those coming to Afghanistan to live, but also those who came to participate in jihad.

Ansar al-Islam [AI]	Anti-Coalition Militia [ACM] ⁴⁵
Armed Islamic Group [GIA]	Council of Islamic Courts [CIC]
East Africa al-Qaida [EAAQ]	East Turkistan Islamic Movement [ETIM]
Eastern Turkistan Islamic Party [ETIP]	Egyptian Islamic Jihad, Islamic Jihad [EIJ]
Gama'a Islamia [GI] ⁴⁶	HAMAS
Harakat Al-Mujahideen [HUM]	Harakat-Ul-Jihad-I-Islami [HUJI]
Hezb-I-Islami-Gulbuddin (AMC Entity) [HIG]	Hezb-I-Islami-Khalis-(ACM Entity) [HIK]
Hizballah	Iranian Intelligence
Islah Party	Islamic Jihad Union (Islamic Jihad Group) [IJU, IJG]
Islamic Movement of Tajikistan (ACM Entity) [IMT]	Islamic Movement of Uzbekistan [IMU]
Islamic Salvation Front [FIS]	Jama'at Al-Islami [JI]
Jaysh Al-Muhammad [JEM]	Lashkar-e-Tayyiba (and its political wing MDI) [LT]
Libyan Islamic Fighting Group [LIFG] ⁴⁷	Maktab Al-Khadimat [MK]
Moro Islamic Liberation Front [MILF]	Moroccan Islamic Combat Group [GICM]
Muslim Brotherhood [MB] ⁴⁸	North African Extremist Network ⁴⁹
Pakistani Inter-Service Intelligence Directorate [ISID]	Sabotage Battalion of Chechen Martyrs [RSRSBCM]

⁴⁴ Includes references of the Al-Qaida Movement, The al-Qaida Network, the Global Jihad Support Network [GJSN], the UBL Network, and the North African Extremist Network, 55th Arab Brigade (al-Qaida's militant organization supporting the Taliban), and the organizations associated to them if they are not listed separately in this table. The Global Jihad Support Network is composed of individuals, most of whom are from North Africa, the Levant, or Saudi Arabia, and who reside in those countries, Europe, or South Asia. The network provides various services, including logistics and fundraising, and helps move operatives from country to country as needed.

⁴⁵ This includes elements of numerous groups including al-Qaida, Taliban, HIG and other terrorist organizations which are currently, and cooperatively, engaged in hostilities with US and coalition forces in Afghanistan and Pakistan. This is a US term to identify those cooperative organizations, and the term is not used by those organizations themselves.

⁴⁶ The Gama'a Islamiya can be spelled as Jama'at al-Islamiyah. This is an Egyptian terrorist organization, separate from the similarly spelled Asia-based JI, and the EIJ.

⁴⁷ It is important to note that these organizations may be represented by their Arabic equivalents and aliases in reporting.

⁴⁸ The MB, aka (Ikhwan e Muslimin), is not a designated terrorist group, but does have ties to extremist organizations.

⁴⁹ Until the creation of the group designation "Global Jihad Support Network" (GJSN), the term used in the IICT list, now the NIPF list, was the "North African Extremist Network" (NAEN). The IICT abolished the use of NAEN when they created the GJSN. At the time, the LIFG was grouped into the NAEN and subsequently was included in the GJSN with the terminology, "... composed of individuals, most of them from North Africa. ..." The LIFG's separate designation in the IICT, like the other North African groups, applies to those functions of the organizations operating on a national (their home country). The separate designations do not apply to the international realm in support of the al-Qaida network and those organizations which supported it in Central Asia where these detainees were arrested; instead the NAEN/GJSN designation applies. JTF-GTMO, with EUCOM LNO assistance, is attempting to obtain a list of the organizations that fall within the GJSN and an official explanation of its relationship to the North African groups.

Salafist Group for Call and Combat [GSPC]	Salafiya Jihadia (SJ)
Takfir wa Hijra [TAKFIR]	Taliban
Tunisian Combat Group [TCG]	Tunisian Islamic Front [precursor to Tunisian Combat Group, TCG] [FIT]
Yemeni Intelligence [PSO]	Zarqawi Network (al-Qaida in Iraq)
Active Islamic Youth NGO	African Muslim Association (sometimes Agency) NGO (AMA)
Al-Akhtar Trust NGO	Al-Furqan NGO
Al-Haramayn International Foundation NGO (HIF, HIFA)	Al-Wafa Humanitarian Organization NGO, al-Wafa al-Islamiya, Munathima Wafa lal-A'mal al-Agathia, Munathima Wafa lal-A'mal al-Ansania, Wafa
Benevolence International Foundation (Lajnat Al-Bir Al-Islami) NGO [BIF]	Global Relief Foundation NGO (GRF)
Human Appeal International NGO	International Islamic Relief Organization NGO [IIRO]
Jama'at Al-Tablighi NGO [JT] ⁵⁰	Kuwaiti Joint Relief Committee NGO [KJRC]
Lajnat Al-Dawa Al-Islamiya NGO [LDI]	Maktab al-Khidmat NGO [MK]
Muslim World League NGO	Qatari Joint Committee for Relief NGO
Rashid Trust NGO	Revival of Islamic Heritage Society NGO [RIHS]
Sanabil NGO	Saudi High Commission for Relief NGO [SHCR]
Taibah NGO	Ummah Tameer Nau NGO [UTN]
World Assembly of Muslim Youth NGO [WAMY]	

⁵⁰ Affiliation with the JT, a proselytizing organization, has been identified as an al-Qaida cover story. Al-Qaida used the JT to facilitate and fund the international travels of its members.